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H – 684

International Court of Justice

H0684-0002

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I certify that none of the documents included herein have been denied by the Tribunal and that this document book has been examined with the prosecution in accordance with the ruling of the Tribunal dated 4 April 1946.

Je certifie qu'aucun des documents ci-inclus n'a été contesté par le Tribunal, et que ce livre de documents a été examiné par le Ministère Public suivant les règles du Tribunal, en date du 4 Avril 1946.

Ich bestaetige, dass kine der hierin enthaltenen Dokumente vom Gerichtshof abgelehnt wurden und dass dieses Dokumentenbuch gemeinsam mit der Anklagevertretung durchgesehen wurde, in Uebereinstimmung mit der Entscheidung des Gerichtshofes vom 4 April 1946.

Signature of Counsel
Signature de l'Avocat
Unterschrift des Verteidigers.

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DOCUMENT BOOK I

(Documents 1 - 35, pages 1 - 115)

for the Defense of the Defendant Franz Von PAPEN

Submitted by the
Defense Counsel

Dr. EGON KUBUSCHOK

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(Page 1
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Von PAPEN Document 1

From: SCHULTHESS

Calendar of European History

Published by Ulrich THURAUF

New Edition. 48th Year. 73rd volume of the entire series

1932

C. H. BECK's Publishing Library

Munich 1933.

. . . . . .

1 - 2 June. Formation of the new Von PAPEN Cabinet.

. . . . The new cabinet is made up as follows: Reich Chancellor: Von PAPEN; Interior: Member of the Reich Council Baron v. GAYL; Foreign: Baron v. NEURATH, hitherto ambassador to London; Finance: Count Schwerin v. KROSIGK, hitherto Ministerial Director in the Reich Finance Ministry; Economy: Prof. Dr. WARMBOLD, lately a member of the board of directors of I.G. Farben; Reichswehr: General v. SCHLEICHER, chairman of the Ministerial office of the Reichswehr Ministry; Justice: Dr. GUERTNER, hitherto Bavarian Minister of Justice; Nutrition and commissioner for the East: Reich President, retired, Baron v. BRAUN, since 1926 Director General of the Raiffeisen-company; Mail and Communication: Baron v. ELTZ - RUBENACH, hitherto President of the Reich Railway Administration, KARLSRUHE; Labor: Dr. WARMBOLD, for the time being. (Negotiations concerning the Ministry of Labor with chief-burgomaster Dr. GOERDELER, LEIPZIG, are still in progress.) . . . . .

Having been sworn in by HINDENBURG, the new cabinet convenes for its first formal session. Shortly afterwards, Von PAPEN receives the German press. Among other things he emphasizes, how difficult had been the decision to accept the office, not only because of the great worries involved, but also particularly, because it pained him to take the place of a man who had been very near to him. He had desired nothing more ardently than that BRUENING should successfully complete the job which he begun two years ago. The job remained, it was part of history, and even though the people changed, the successors were called upon to continue the work. . . .

. . . . . On 2 June he therefore addressed a letter to KAAS, the chairman of the Center Party in which he explains the motives which cause him to follow the call of the Reich President "not as a party man but as a German". For the "psychological and material situation of the German people imperatively requires the synthesis of all truly national forces, from whatever camp they might come". . .

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H0684-0015

4. June. Dissolution of the Reichstag(Declaration of the Reich Government.)

..... In one of the most difficult hours of the history of the Fatherland, the new government takes over its office. The German people are in an unprecedented moral and material crisis. The sacrifices required of them if they are to walk the thorny path to inward and outward freedom with any prospects of success, are tremendous. They can only be borne if the moral prerequisites are successfully found by a concentration of all forces willing to reconstruct and tending to uphold the state, in other words all national forces. Reich Chancellor Dr. BRUENING was the first one with the courage to insist on a definite balance of the situation into which we were first of all brought by the Treaty of Versailles and also through the effects of the world economic crisis and the mismanagement of parliamentary democracy. The German people are to become acquainted with this balance with which the present government is confronted. The financial foundations of the Reich, Prussia and the majority of all the other lands and communities are shaken. None of the necessary, basic reforms, the prerequisite for any recovery - namely administrative reform, financial reform, adaptation of our governmental life to the poverty of the nation - have outgrown the stage of weak beginnings. Social Security is faced with bankruptcy. The steadily increasing unemployment saps the strength of the German people in spite of all the will to work of the best workers. The post - war governments thought to relieve the workers as well as the employees to a large extent of their material worries by a steadily increasing socialism. They tried to transform the State into a sort of charity organization and thereby weakened the moral forces of the nation. They assigned tasks to it which it could never fulfil by virtue of its very nature. This even caused a further increase in unemployment. The resulting inevitable moral attrition of the German people, intensified by the unfortunate, anti-social class-hatred and increased by the so-called Cultural Bolshevism (Kulturbolschewismus), which like a devouring poison threatens to destroy the best moral foundations of the nation, must be stopped in this last hour. The disintegration of atheistic-marxist thoughts have already too deeply invaded all the cultural fields of public life, because the Christian forces of the State were all too easily ready for compromises. The purity of public life cannot be maintained or reestablished by way of compromises for the sake of parity. A clear decision must be made as to what forces are willing to help reconstruct the new Germany on the basis of the unchangeable principles of the Christian ideology. The government, which filled with heavy responsibility before God and the nation, at this hour assumes the direction of the country's fate, is deeply imbued with the realization of the duties incumbent upon it....

..... In the field of foreign policy the next and most important tasks of the Reich Government result from the pending or imminent international negotiations on the great world problems of disarmament, reparations and the general economic crisis. In all these problems the most vital German interest are at stake. Our objective is to create at last by peaceful cooperation with the other nations complete equality, freedom and the possibility of economic recovery for our fatherland. Only an equal, free and economically healthy Germany can contribute to the recovery of the world.

.....

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. . . . . For all these reasons the Reich President decided to accept the proposal of the Reich Government to dissolve the Reichstag . . . . . .

. . . . . The Government, independent of the parties, will wage the struggle for the moral and economic recovery of the nation, for the renaissance of the new Germany . . . . . .

16 June: The Reich President issuesa political emergency ordinance concerning the rescission of the prohibition of the SA and the wearing of uniforms as well as the mitigation in the matter of the right of assembly . . . . . .

. . . . . In his accompanying letter to the Reich Ministry of the Interior HINDENBURG declares:
"In the confidence that the political struggle of opinion in Germany will take on quieter forms in the future and that acts of violence will not occur, I have carried out the extensive alleriations of the existing regulations, propos by the Reich Government. I am determined to counter act all violations of any sort with all the constitutional means at my disposal, if this expectation is not fulfilled. I authorize you make known this my intention". . . . . .

18 July: Reichsminister of the Interior v. GAYL issues a general prohibition of demonstrations for the whole Reich territory.

As the basis for the prohibition, which the Minister of the Interior is authorized to order by virtue of the 2nd political emergency ordinance of 28 June (p. 115), the Reich Government declares that the expectation of the Reich President, who in his accompanying letter for the rescission of the prohibition of demonstrations and uniforms, expressed the hope that the election campaign would be conducted in a quieter form, was not fulfilled.

20 July: (Prussia) The acting State Government is dismissed and Reich Chancellor v. PAPEN is appointed Reich Commissioner.

The Reich President ordains the following by virtue of Article 48 Para. I and 2 of Reich Constitution (RVerf) (Reich Decree) for the re-establishment of public safety and order in the area of the land of Prussia:

For the period of validity of this ordinance, the Reich Chancellor is appointed Reich Commissioner for the land of Prussia. In this capacity he is authorized to relieve the members of the Prussian State Ministry of their office. He is furthermore authorized to take over himself the functions of the Prussian Prime Minister and to charge other persons as Commissioners of the Reich with t direction of the Prussian Ministries. The Reich Chancellor has all the powers of the Prussian Prime Minister, the persons charged by him with the direction of the Prussian Ministries have all the powers of the Prussian State Ministers within the scope of their functions. The Reich Chancellor and the persons charged by him with the direction of the Prussian Ministries exercise all the powers of the Prussian State Ministry . . . . . .

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. . . . . In the evening Von PAPEN justifies the action of the Reich in a radio speech. He begins by emphasizing that the Reich Government would limit itself to the most necessary measures " for the reestablishment of orderly legal conditions in Prussia". . . . . .

. . . . . If for instance, high officials of the Prussian State offer their help in order to enable leaders of the KPD (Communist party of Germany) to camouflage their illegal terrorist intentions; if a Prussian police officer openly requests his party members not to disturb the communist circles - then the authority of the State is being undermined from the top in a way which is unbearable for the security of the Reich. The measures of the Reich Government are not directed against the independence of the land of Prussia. They are consciously restricted to the creation of bases for reestablishment of an orderly legal state of affairs. . . . .

29 July. The Reich President issues an ordinance for the safeguarding of peace,

according to which all public political meetings are prohibited from 31 July to 10 August.

29 July. Von PAPEN made statements about this political objectivas in the course of an interview with the representatives of the "United Press". First of all he spoke about the German demand for economic and political equality in the interest of a solution of a world crisis. In connection with the "very poor" previous results of the disarmament conference, the German chancellor formulates the German demand for equality in armaments as follows: "No, we want an army only for our own security and the protection of our borders, which are in no way as well safeguarded as the borders of France. This does not mean, that we demand an army, which is numerically as strong as that of France, but that we insist on a moral equality and the right to possess modern, military equipment."

With respect to French-German relations, the Chancellor emphasizes that he never proposed a military pact between Germany and France. We had, however, suggested to Herriot occasional discussions between the General Staffs of Germany and France for the purpose of dissipating district and to guarantee security for both States. In formal meetings of a few members of the General Staffs, which could take place from time to time, could in his opinion be more suited to the purpose than lengthy discussions in large international conferences. France's pressure for security constituted a demand which Germany, in face of the Locarno-treaty, the Kellogg-pact, the demilitarization of the Rhineland Zone and other guarantees can not understand. . . .

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..... In conclusion the Chancellor emphasizes "the disappointment which is prevalent in Germany, as the success of the Lausanne Conference appeared suddenly devaluated by the way in which the gentleman's agreements England, France, Italy and Belgium came into the open, and in the way in which they were misunderstood".....

31 July. Reichstag elections.

..... The total number of the 608 mandates is distributed as follows: Social Democrats 133 (status of June 1932: 136); National Socialists 230 (110); Communists: 89 (78); Center: 75 (89); German National People Party 37 (42); German People's Party: 7 (27); Landv: 1 (18); Bavarian People's Party 22 (19); Economy Party: 2 (21); German State Party 4 (16); Christian Socialist Union 3 (21); German Farmer's Party: 2; Wuerttemberg Farmer's Union 2; People's Justice Party: 1.....

1 August. Reich Chancellor von PAPEN states in an interview to the representative of Associated Press the American News agency:

..... In regard to Adolf HITLER, the moment has come when the National Socialist movement must actively assist in the reconstruction of the Fatherland. To the question what he had meant in his last radio speech by the hint of a possible constitutional reform, the Chancellor answered: The present Reichstag, as it consists today of a single house, does not own the counterparts and modifying factors which for instance your American Congress has in the Senate. Our Reich Council (Reichsrat), our Federal Council (Bundesrat), cannot be compared to your senate. Its powers are much less. I am of the opinion that Germany needs an upper house. I hope that our electoral system is revised in this sense that the personal responsibility of the Reichstag delegate will be reestablished. The question of the form of the state was not up for debate at the election. All the German people are concerned about putting its house in order, and we have no time to think of the form of the state.....

8 August. Reich Chancellor von PAPEN returns to Berlin.

..... In an official statement on this, it is again emphasized that because the elections, did not occur necessity of a presidential cabinet has been emphasized. But he would consider a participation in the government of personalities from the National Socialist party definitely useful whereby the prerequisite remains that the character of the cabinet as a government above parties should remain intact. It can only be a matter of appointing "suitable personalities" for the individual posts.....

H0684-0019

Von PAPEN Document 1.

9 August. Issuance of the ordinance against terror.

While the terrorist acts of the radical parties fighting each other continue in a horrible manner, the cabinet concludes its conferences concerning counter measures. The Reich President who is informed of the decisions by telephone and is staying at Neudeck, gives his approval at once, and issues the emergenc; ordinances. The decrees against political terror put acts of political violen under the severest threats of punishment, for the most serious cases, the death penalty is threatened . . . .

10 - 12 August. Negotiations with Adolf HITLER the leader of the National Socialist Movement.
After a "preliminary" conference between Reich Defense Minister von SCHLEICHER and HITLER who on this occasion announced his claim to a leading role in the cabinet, the Reich Chancellor takes the negotiations into his own hands. The situation, resulting from this, is marked by the following high points: HITLER demands the post of Reich Chancellor, Von PAPEN and Von SCHLEICHER make this demand dependent on certain conditions, the Center Party also takes an approving position, it actually wishes of HITLER to be charged with full responsibility, but in any case under the prerequisite of a formal coalition between the National Socialists and the Center Party. But Reich President Von HINDENBURG to whom the Chancellor makes an immediate report about the situation after the return of the former from Neudeck on 10 August, raises very strong doubts against the chancellorship of HITLER, he wishes to see that HITLER is entrusted only with the post of Vice-Chancellor. A so-called presidential government, "a government in contrast to the parties and the parliament and independent of them" could not be led by a chancellor HITLER. Von PAPEN then takes up the negotiations with the party leaders. KAAS, the leader of the Center Party, demands the so-called total solution of the crisis by the full responsible participation of the former opposition in the Reich Cabinet.

13 August. The negotiations with HITLER fail.

. . . . "Reich President Von HINDENBURG this afternoon in the presence of Reich Chancellor Von PAPEN received the leader of the NSDAP, Adolf HITLER, for a conference concerning the political situation and problem of transforming the Reich Cabinet. The Reich President put to HITLER the question whether he is prepared himself to enter with other suitable personalities of the NSDAP into the government led by Reich Chancellor Von PAPEN. Herr HITLER denied this and put to the Reich President the demand to confer upon him the leadership of the Reich Cabinet and the entire state authority to its full extent. Reich President Von HINDENBURG refused this demand very decidedly for the reason that he could not be responsible before his conscience and his obligations to the Fatherland to confer the entire governmental power exclusively on the National Socialist movement which intended to make use of this power onesidedly. He regretted that Herr HITLER does not see himself in a position to support a national government, appointed because of confidence in the Reich President, in accordance with his statement given before the Reichstag elections. . . . . .

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22 August. The Special Court (Sondergericht) at Beuthen pronounces death sentences against the five National-Socialists (KOTTISCH, KUELLER, CLLPITZA, GRAEUPNER and LACHMANN), who killed PIETRZUCH, a Communist laborer, at Potempa.
On the same day the Special Court (Sondergericht) at Brieg pronounced the verdict in the trial pertaining to the Ohlau incidents (of page 118). The chief defendants were condemned to the penitentiary because of severe breech of public peace and for causing a riot. In contrast to the verdict of Beuthen this sentence does not as yet fall under the new terror ordinance.
HITLER addresses the following telegram to the party comrades at Beuthen who have been condemned to death: "My comrades! In view of this monstrous blood-verdict I feel myself connected with you in boundless loyalty. Your freedom from this moment on is a question of our honor. The struggle against a government under which this could take place is our duty." - In addition to this HITLER has a large proclamation published in the "Voelkischer Beobachter". .....

28 August. The Economic Program of the Reich Chancellor.

In an extraordinary meeting of the Westphalian Peasant Club (Westf.Bauernverein) at Muenster which, aside from its professional character, is politically to be considered as adhering to the right wing of the Center Party, Reich Chancellor von PAPEN holds the following speech pertaining to the platform: The task of the government is not limited to economic or political individual work. We want to lay the foundation for the reconstruction of the German state. Therefore several words about the basic principles of the LEADERSHIP OF THE STATE. You, Westphalian peasants, and I are not revolutionaries, (and we are not reactionaries.) We feel ourselves inwardly bound up with earth and home. We know that man cannot and must not submit the final things of this world to his own decision. We rather acknowledge that we are useful links of an order granted by God. That is what I call a conservative attitude. An attitude of this kind rests on faith in God. The practice of Christian training in schools and homes must therefore stand at the beginning of every state policy. Culture and economy fall to the same extent under the eternal law of the obligations of the individual toward the community. Economy, therefore, regardless of whether private or public, should therefore serve not the individual but the community. Conservative attitude requires power which is based on authority. It may not be a plaything for the forces of society, nor for parties nor for interested groups, and every step which we can make toward the direction of a truly independant leadership of the state benefitting the whole nation is a fulfilment of the ideal of a state leadership which is based on authority and justice. These basic principles of Christian-conservative thinking must be pointed out clearly because they are being most severely attacked today. The verdicts at Ohlau and Beuthen have been followed by a storm both the left and the right because of the uniform application of the law. Both sides demand that the political opponent be placed outside the national community and outside of the law. In the political struggle murder and revenge are to be permitted, and the opponent is to be free as a bird. Objectivity is regarded as a disgrace. It is the duty of the state authority to counter such a deterioration of political morale. I do not know of law which is the weapon of only one class or one party. That is a Marxist point of view,

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which I refute, even if it is also expressed by the National - Socialists; because it is a violation toward any German and Christian conception of law. I profess myself to the belief in eternal legal terms, from which the old Prussian basic principle is also formulated: "To everybody what he deserves" (Jedem das Seine). It is Prussia's tradition from the time of her great kings, that only he can be admitted to the leadership of the nation who voluntarily subordinates himself to its laws. The lack of discipline shown by the declaration of the leader of the National - Socialist movement fits badly into the demand on the state government. (Vigorous applause). I do not grant him the right to consider the minority in Germany which follows his banner as the only German nation, and to treat all the remaining follow-citizens as free game. If I today stand in opposition to HITLER and speak on behalf of the legal state, for the national community and for order in the direction of the state, them I and not he pursue the goal which millions of his followers have for years longed for with all their hearts in the struggle against party-rule, against unfairness and injustice. This government has from the very first day pursued the goal to clear the way for the great national movement for freedom, whose historical meritorious achievements everyone in Germany must acknowledge for positive cooperation in the reconstruction of the Reich. I cannot believe that this great German movement for freedom will for the duration place itself in a purposely marked contrast toward the aims of a government, whose thoughts are directed only and exclusively toward the future of Germany.....

4 September. Issuance of the Emergency Ordinance for the Reactivation of Economy.

..... From the extensive notations to the individual paragraphs of the order the following be emphasized:

I. RELIEVING THE ECONOMY:

As an immediate lowering of taxes was not feasible, a regulating factor between the interests of the public and those of economy was discovered in the system of TAXATION BONDS.....

..... The total amount of the tax bonds for taxation debts can be estimated at 1522 million marks, that is with somewhat more than 1½ billion marks.....

..... The Reich will furnish 700 million marks for the granting of occupational rates...

12 September. Dissolution (of the Reichstag).

..... The hand - written DECREE OF DISSOLUTION contains the following text: By authority of Article 25 of the Reich Decree I am dissolving the Reichstag, because the danger exists, that the Reichstag will demand the rescission of my emergency decree of 4 September of this year. (Neudeck crossed out). Berlin, 12 September 1932. The Reich President signed v. HINDENBURG, The Reich Chancellor signed v. PAPEN, The Reich Minister of the Interior signed v. GAYL.....

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13 September.

. . . . . Regardless of this clear status of the law the President of the Reichstag has addressed the following communication to the Reich Chancellor: To the Reich Chancellor, here. The Reichstag has decided in its session of 12 September 1932 by authority of the request by TORGLER with 512 of 559 given votes:
1. To recind the ordinance of the Reich President for the reactivation of the Economy of 4 September 1932 effective immediately.
2. To recind, effective immediately, the ordinance of the Reich government for the increase and maintenance of opportunities for employment of 5 September 1932, issued by authority of the ordinance of the Reich President about measures for the maintenance of unemployment compensation, of social security as well as for the relief of welfare costs of the communities dated 14 June 1932. 3. The Reichstag withdraws its confidence from the von PAPEN Reich government. signed GOERING. . . . .

1 October. Interview of the Reich Chancellor.

The chief editor of the"Republique" was received by Reich Chancellor v.PAPEN, who stated, that at Lausanne he had expressed the wish to the French Minister President HERRIOT, that France and Germany might sign a consultative pact with each other in order to avoid that an initiative of any kind, which might be instituted by one or the other state could deteriorate the relations between the two countries . . . . .

11/12 October. (Bavaria) Visit of the Reich Chancellor to Munich.

. . . . . On 12 v.PAPEN addresses a speech pertaining to the platform before the Bavarian League of Industrialists, in which he states among other things: . . . . .

. . . . . As you know, the development of the labor market was concluded last month with a net decrease in the unemployment figures of 123 000 unemployed. In contrast to this the month of September of last year brought an increase in unemployment of 140 000 unemployed. . . . . .

. . . . . All our major parties agree in acknowledging the necessity for REFORMS in the CONSTITUTION. The leader of the Center Party (Dr.KAAS) has announced, that in the near future he will announce a constitution program, and I would be pleased if out of the realizations which he expressed already four years ago about the necessity for a stallized government, he would draw the same conclusions as I. I also agree with Councillor of State (Staatsrat) SCHMITT, that the period of legislation through article 48 will have to be brought at last to a close. This however can only be accomplished through reconstruction of the constitution, which newly defines the relationship between the state and the people and between Reich authority and the lands in clear realization of the necessity of the future and in deference to the historic personalities of the state. We want to establish a powerful state authority which is above the parties, which will not be thrown about as the playing of political and social forces, but which will unshakably stand over them like a "rocher de bronce".

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One should not shake anything in the great basic laws which are contained in part II of the Weimar constitution, but it is necessary to renew the forms of political life. The Reich Cabinet must be placed in an independent position from the parties, its composition must not be under the effect of chance majorities. The relationship between the Reich Cabinet and popular representation must be regulated in such a way that the Cabinet and not the parliament has the national authority. As counterbalance to one-sided decisions, produced by party interests in the Reichstag, Germany requires a special First Chamber (Erste Kammer) with definitely limited rights and prominent participation in le islation. Today, the only corrective power against the exaggerated parliamentary system and against the failure of the Reichstag is the power of the Reich President to decree pursuant to article 48 of the Reich constitution. But as soon as stable and normal conditions prevail again, there will also no longer because to apply article 48 in the previous manner. The Reich Cabinet contemplates carrying out constitutional reform in close agreement with the "Laender". The German national system, which has become history, shall not be violated. The Reich Cabinet refuses any measure which directly or indirectly means a destruction of Prussia, A dissolution of the Prussian state system, a loosening of the unity which has developed during long history, a task of the East-West connection (Ost-West Klammer) cannot form the basis for a Reich reform as it is imagined by the Reich Cabinet. The preservation of Prussia may also be considered by the other "Laender" as protection against the mediatization of the non-Prussian states. The center of gravity of the reform must be in the removal of the dualism between Reich and Prussia, about which one also complains generally from the Bavarian side. This goal will be achieved by the coordination of the most important organs of the Reich and Prussia. In this connection it will be definitely possible to grant to the other "Laender" the constitutional autonomy which is especially desired by Bavaria. Also the territorial autonomy, set aside by article 18 of the Weimar constitution can be reestablished for the "Laender" able and willing to carry on their existence. . . . . .

. . . . . One has said that, viewed in connection with post-war development, the 13th of August of this year was a fateful day. That day was to serve as the synthesis of all truly national forces which the Reich Cabinet has proclaimed, demanded and hoped for since the beginning of its activity. It was a matter of incorporating the great and meritorious movement of NATIONAL SOCIALISM into the responsible cooperation of the Reich. But our call did not find an echo. It is a historical forgery if it is stated today that I, the Chancellor have kept National Socialism from acceptance of the responsibility. The offer of the 13th of April gave to the NSDAP a share in the power of the Reich and Prussia which would have safe guarded decisive influence. Herr HITLER did not accept this offer because he believed that as the leader of a movement which was supported by 230 parliamentary mandates, he had to demand the post of Chancellor for himself. He made this demand from the principle of "totality", of "exclusiveness" which are revered by his party. This is therefore an equally false description of the facts the correction of which is my duty, if the NSDAP asserts today that it did not demand all the power for itself, but that it was prepared to have other men also, not belonging to the movement, participate in the government. But would such a confession have changed anything in its demand for exclusive leadership? It is known that the Reich President who alone is authorized to appoint the Reich Chancellor has refused this demand of "totality". There can be no doubt why he refused it. A personal antagonism perhaps against the leader of the movement is out of the question,

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for the Reich President is far above such considerations. It was exclusively motives of principle which formed the judgment of the head of state. The importance of the conservative ideology is its anchorage in the divine order of things. This is also its fundamental difference from the doctrine which is followed by the NSDAP. Its principle of "exclusiveness" of the political "all or nothing", its mystic belief in the Messiah in the person of its FUEHRER powerful in word, as the only one called on to guide fate gives it the character of a political religion. And just in this, I see the difference, which cannot be bridged, between conservative politics from faith and a National Socialist faith from politics. It appears to me that names and persons do not matter today when the final fate of Germany is concerned. This is what the nation demands: It demands of a movement which has internal and external national freedom written on its colors, that it acts at every moment and in every position in such a manner as if it were the spritual, social and political conscience of the nation. If it does not act thus - if it acts according to tactical viewpoints, according to viewpoints of parliamentary instigation, by means of proletarian class struggle, then it is no longer a movement, then it has become a political party. And because of the parties, the Reich really almost collapsed. One cannot overlook on the one hand the masses and the majorities without mercy, as Herr HITLER does, and on the other hand subject oneself to parliamentary democracy, in such a manner that one resolves on resolutions together with Bolshevism against a government. . . . . .

6 November Reichstag elections.

Result: Number of valid votes 35,471,745 584 seats which are distributed as follows: National Socialists 11,705,256 votes - 196 seats, Social Democrats 7,231,404 - 121, Communists 5,970,833 - 100, Center party 4,228,322 - 70, German National Party 3,061,626 - 51, German People's Party 659,703 - 11, State party 337,871 - 2, Christian Socialist Union 412,523 - 5, Bavarian People's party 1,081,595 - 19, Economy party 110,117 - 2, Thueringian State party (German National) 60,065 - 1, German Hanoverian party 63,999 - 1, German Farmers' party 195,368 - 3, Wuerttemberg party (German National) 105,188 - 2, ...

8 November. Speech by the Reich Chancellor to the Foreign Press.

. . . . . Some people who today follow abroad the strength of our radical trends with concern, must confess to themselves that these received their strongest impetus from the political methods which were used since 1918 against from the outside. From this historical connection of the interior and foreign policy results for the German people the fateful task of finding a formulation for its state leadership, which corresponds to the constant necessities of its position in central Europe and to the special difficulties of its present situation in the same manner. The primary prerequisite for this is the reestablishment of the full sovereignty of the state and the establishment of a permanent powerful governmental power. Such an authoritarian state leadership does not contradict the principle of democracy. The chancellor emphasizes that the reestablishment of a strong German state power is not only vital necessity for Germany, but that it is the central problem of Europe, and points out with emphasis that.

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tranquility and peace will not rule in Europe until it has been agreed to give to Germany the prerequisites necessary for its existence. The Chancellor then develops the German foreign political demands and aims: Revision of the Versailles treaty by peaceful agreement, international cooperation for the purpose of overcoming the world economic crisis, as political prerequisite for this the execution of the great principles of equality and of the right of selfdetermination of the peoples in all areas.....

. . . . . It is undeniable that if giving to all armies the character of a defensive tool should be successful, we will have advanced a decisive step toward the moral disarmament and pacification of the world. Only by equal military systems with equal armaments, the potentiality of which must be adapted to the length and vulnerability of the borders as well as to the number of neighbors, can equal security for all peoples be achieved The German government which desires peace because it needs as no other nation in the world the blessings of peace, establishes its politics under the viewpoint of true, general disarmament. It will welcome any measure which strengthens the defense power in contrast to offensive power, and which realizes Germany's demand for equal right and equal security.....

3 December. The Reich President appoints the new SCHLEICHER Cabinet.

It is made up as follows: Reich Chancellor and Reich Defense Minister: Von SCHLEICHER; Foreign Affairs: Von NEURATH; Finance: Graf Von SCHWERIN-KROSIGK; Justice: Dr. GUERTNER; Communications: ELTZ Von RUEBNACH; Labor: Dr. SYRUP; Interior:Dr. BRACHT; Economy: Dr. WARMBOLD; Food: Freiherr VON BRAUN; Reich Commissioner for Employment: Dr. GERNEKE; Reich Minister without Portfolio: Dr. POPITZ . , ...

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Exhibit 5
filed June 14

v. PAPEN Document 2

Schulthess'

Calendar of European History
Published by Ulrich Thuerauf
New Edition, 48th Year
Vol. 73rd of whole series.1933.

C.H. Beck Publishing Agency
Munich 1933.

15 November. The Presiding Delegates of the Socialist Reichtag representation decide not to comply with the invitation of the Reich Chancellor for a discussion.

16 November. Reich Chancellor v. PAPEN continues his discussions with the party leaders.

The negative results point to an increasing gravity of the situation. The Reich Chancellor, according to an official announcement, sees himself forced to call off the visits planned by him to Stuttgart, Karlsruhe and Darmstadt, because in accordance with the results of today's discussions with the party-leaders he considers it more appropriate to wait for a clarification of the political situation. Apparently the course of the discussion with Kaas and Joos, the leaders of the Center Party has played an important part in this respect. Going beyond rejection of collaboration the latter issued declarations which were directed against the continuation of the present cabinet and which set forth certain demands of their own. - The reminder will be issued in the near future by the Direction of the Center Party, which the Representatives Kaas and Joos handed over to the Reich Chancellor. In it the following is stated among other things. The only way out of the present untenable situation is the establishment of a government which with full reservation of the rights of the Reich President and a purposeful strong leadership of the state will re-establish connection with the representation of the people which has been interrupted for months and which by a firm majority will provide for itself the indispensable support. A sober examination of the situation as a whole reveals that the combination of the political forces into a strong emergency and working community, whose establishment actually is quite possible, remains out of question under the present political leadership and within the compass of the present Cabinet . . . . . .

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18/19 November. Reception of Party Leaders with the Reich President.

On 18 November v. HINDENBURG is the first one to receive the German National leader HUGENBERG, then in the afternoon Minister (Praelat) KAAS, the leader of the Center Party, and following him Representative DINGELDEY (German People's Party). On 19 the discussion with HITLER takes place; it lasts for more than an hour; at first the Reich President speaks with him privately, but then he includes State Secretary Dr. MEISSNER in the discussion. . . . .

21-24 November. Fruitless Negotiations with HITLER.

. . . . . In the evening of 23 November the President of the Reichstag GOERING submit HITLER's answer to the offer of the Reich President. In this connection the National Socialist Press Agency issues the following note: The answer under detailed basic reasoning expresses that HITLER cannot accept the task of a purely parliamentary solution of the government-crisis given to him by the Reich President, because it is innerly incompatible in connection with the previously made reservations . . . . . .

24/25 November. KAAS points out the possibilities of a government-coalition.

Immediately after the failure of negotiations with HITLER the Reich President had a discussion with the leader of the Center Party, Minister (Praelat) KAAS. The latter sets forth that HITLER actually has not even made an attempt for a positive clarification and declares himself prepared to test in what manner this positive clarification could be reached with regard to the parliamentary mayority which is to be strived for. State Secretary Dr. MEISSNER has discussions with HUGENBERG, DINGELDEY and SCHAEFFER.

On 25 November KAAS reports to the Reich President about his discussions with the leaders of the NSDAP., the German-National People's Party, the Bavarian People's Party and the German People's Party about the establishment of an emergency and labor-majority in the Reichstag. In these discussions KAAS principally directed the question to the leaders, if they were prepared to participate in

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advisory meetings about a positive emergency- and labor-program for a majority-government, just as the Center Party. This question was answered in the affirmative by the leaders (Vos.) of the Bavarian People's Party and the German People's Party. The chairman of the German-National People's Party did not agree to participate in discussions of this kind as being contrary to the general attitude of his party. The chairman of the NSDAP stated, that the setting-forth of the positive basis for a potential majority government was completely in agreement with his views. On the basis of the experiences of the previous days and the conviction that even a positive result of these realistic advisory meetings would not be heeded by influential agencies, he did not consider participation on his part any longer worth being advocated. By reason of these statements KAAS asks the Reich President to permit him to desist from further contact with the parties. The Reich President thanks the minister (Praelat) for his efforts.

Postscript:

30 July. The Reich Chancellor addresses the Foreign Countries by Radio.

In the address broadcast by the international radio-forum and by the National Broadcasting Company in New York v. PAPEN among other things states the following: The world around us apparently is not yet aware of the fact, that as a result of the increasing tension between the adherents of the extreme right and the extreme left the danger of a civil war hung over Germany. These two movements have nothing in common with each other. While the National-Socialist movement strives exclusively for a national rebirth, Communism is directed against the cultural foundations of our national and social life. Communism must be designated as a revolutionary movement and as a danger to the nation and the world. .....

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v. PAPEN Document 4

Excerpts from the Reichsgesetzblatt Part I.

Titles of some emergency decrees since 1930 with particular reference to their political contents.

1.) "Decree of the Reichspresident for the relief of financial, economic and social emergencies. Dated 26 July 1930" (RGBl. I, Pages 311-350)

2.) "Decree of the Reichspresident by virtue of Article 48 of the Constitution of the Reich, against the misuse of arms. Dated 25 July 1930" (I,3

3.) "Decree of the Reichspresident for the protection of Economy and Finance Dated 1 Dec. 1930". (I, 517-604) (This was the first comprehensive emergency decree).

4.) "Decree of the Reichspresident for measures against political excesses. Dated 28 March 1931". (I, 79).

5.) "Second decree of the Reichspresident for measures against political excesses. Dated 17 July 1931". (I, 371).

6.) "Second decree of the Reichspresident for the Protection of Economy and Finance. Dated 5 June 1931". (I, 279-314).

7.) "Third decree of the Reichspresident for the Protection of Economy and Finance and measures against political excesses. Dated 6 October 1931". (I, 537-568).

8.) "Fourth decree of the Reichspresident for the Protection of Economy and Finance and for the preservation of internal peace . Dated 8 December 1931". (I, 699-745) (included, among other items, a general prohibition against the wearing of uniforms).

9.) "Decree of the Reichspresident for the preservation of internal peace. Dated 17 March 1932". (I, 133).

10.) "Decree of the Reichspresident for the protection of the authority of the State. Dated 13 April 1932". (I, 175). (Included in particular the dissolution of the NSDAP's organizations of a military type).

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11.) "Second decree of the Reichspresident for the protection authority of the State. Dated 3 May 1932". (I, 185).

12.) "Decree of the Reichspresident on measures for the maintenance of the dole and social insurance as well as far the alleviation of the welfare burdens attendant on the communities. Dated 14 Jun 1932". (I, 273).

13.) "Decree of the Reichspresident on measures within the sphere of jurisdiction and administration. Dated 14 June 1932". (I, 285).

14.) "Decree of the Reichspresident against political excesses. Dated 14 June 1932" (I, 297).

15.) "Second decree of the Reichspresident against political excesses. Dated 28 June 1932". (I, 339).

16.) "Decree of the Reichspresident concerning the restoration of public security and order in the area of the State of Prussia. Dated 20 July 1932". (I, 377). (Included the appointment of the Reichschancelor as Reichs-Commissioner for the State of Prussia).

17.) "Decree of the Reichspresident concerning the restoration of publi security and order in Greater-Berlin and the Province of Brandenburg. Dated 20 July 1932" (I, 377). (Valid only till 26 July 1932, Compare I, 387).

18.) " Decree of the Reichspresident against political terror. Dated 9 August 1932" (I, 403).

19.) "Decree of the Reich Cabinet concerning the establishment of Speci Courts. Dated 9 August 1932". (I, 404). (Enacted by virtue of the emergency decree registered above under No. 7).

20.) "Decree of the Reichspresident for the preservation of internal peace. Dated 9 August 1932" (I, 407).

21.) "Decree of the Reichspresident for the preservation of internal peace. Dated 2 November 1932". (I, 517).

22.) "Decree of the Reich Cabinet on the suspension of the Special Cour Dated 19 December 1932" (I, 550).

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of orig.)

von PAPEN Document 5

Excerpt from

Decisions of the

Reich Court in Civil affairs

Volume 138.

Supplement:

Decisions of the Supreme Court of Judicature

In the combined constitutional legal disputes

I. 1. Of the Province of Prussia, represented by the Prussian State Ministry,
2. The Central Parliamentary Party in the Prussian Diet,
3. Parliamentary party of the German Social Democratic Party in the Prussian Diet,

Proposer,
against
the German Reich,
Opposer

II. 1. The Prussian Ministerial President Dr.h.c. Otto BRAUN,

2. The Prussian Minister of the Interior Dr.h.c. Karl SEVERING,

3. The Prussian Minister of People's Welfare Dr.h.c. HIRTSIEFER,

4. The Prussian Minister for Agriculture, Crownlands and Forestry, Dr.h.c. STEIGER,

5. The Prussian Minister for Trade and Industry Dr. SCHREIBER,

6. The Prussian Minister of Justice Dr. SCHMIDT,

7. The Prussian Minister for Science, Art and Education GRIMME,

8. The Prussian Minister of Finance KLEPPER

Proposer,
against

1. The German Reich

2. The Reichskanzler as Reichkommissar for Prussia

Opposer, ...

concerning establishment of the unconstitutional act of appointing a Reich Commissioner for the Province of Prussia.

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von PAPEN Document 5

(StGH. 15, 16, 17, and 19/32)
the Supreme Court of Judicature for the German Reich, after the verbal conferences of 10/14 and 17 October, has recognized on 25 October 1932 as valid:
The decree of the Reich President of 20 July 1932 for restoring of public safety and order in the territory of the Province of Prussia is compatible with the Reich constitution, in so far as it appoints the Reichschancellor as Reichskommissioner for the Province of Prussia and empowers him to withdraw temporarily from the Prussian Ministers executive powers and to take over these powers himself or to transfer them to other persons to acting commissioners of the Reich.....

Reasons ....

. . . . . Art. 48 par. 2 of the Reich Constitution (RVerf.) gives the Reich President the power, in the event of public safety and order in the German Reich being considerably disturbed or endangered, to take the necessary measures for their restoration and to use armed forces in case of necessity. At the same time it gives him authority to annul certain basic rights.
As regards the question whether, in case of dispute, the Supreme Court of Judicature must examine the submission of the assumptions of Art. 48 par. 2 of the Reich Constitution or whether in so far as its decision is concerned it must take as a basis the conception of the Reich President, the Supreme Court of Judicature has not yet defined its attitude. Also in the present case it is not necessary to define its attitude to this question. As is publicly known the decree of 20 July 1932 was issued at the time of great disturbance and endangering of public safety and order. At that time great political parties opposed each other, ready to fight in bitter enmity. Hostilities took place nearly daily in bloody encounters, destroying many lives. At the same time there was great danger that the tension in domestic policy would increase still further and would grow to a threat to the foundations of our constitutional life. The reasons for an intervention according to Art. 48 par. 2 were

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therefore given without delay. From the magnitude of the danger it follows at the same time that it was the right and duty of the Reich President to apply the measures which appeared to him appropriate for the reestablishment of public safety and order so long as they were compatible with the Constitution of the Reich. In this situation the Reich President, after careful examination, could arrive at the conclusion that not only the police force of Prussia should be placed in the hands of the Reich, but the entire State forces of the Reich and of Prussia should be concentrated in one hand and the policy of the Reich and of Prussia steered in one and the same direction. Nothing could be changed here if the assertion of Prussia that this dangerous position could be traced back, at least partially, to the Reich Government's own inner-political measures proved correct.

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of orig.)

V. PAPEN Doc. 6

Excerpt
from
" The Time For Decision "
by
Sumner Welles
Armed Services Edition
Copyright, 1944, BY SUMNER WELLES

From pages 456 - 457:

If the Weimar Republic was to have had any chance of success, German reparations should have been based upon a just appraisal of what the German people could pay and still maintain a standard of living and a level of employment that would prevent a breakdown in the social and economic life of the country. No Republican regime, attempting to govern a people unaccustomed to and uninclined toward democratic institutions, could carry on successfully in the face of the insuperable obstacle which the Allied handling of the reparation question represented."

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von PAPEN document No. 7

Excerpt

from

Trierische Landeszeitung

No 15 - Tuesday, 12 July 1932

Berlin, 12 July. Reich Chancellor von PAPEN took the first opportunity since his return to Berlin to explain the Lausanne treaty before representatives of the German press.....

The Reich Chancellor underscored with great emphasis his basic opinion that the decision concerning the final adjustment of the reparations problem or permitting the failure of the conference with all its results of further intensification of the crisis in world economy and thereby a further restriction of the possibilities of existence for the German people can at no time be based or domestic--political considerations. Rather only considerations which affect the entire situation of the German people could be of consequence. "It wasn't", continued the Reich Chancellor, as was assumed for a long time by the German public, as though we had stood perhaps a hundred meters before the goal of a solution, which signified annullment of our signature, only two years ago so solemny given, for the outlay of more than 35 billions, with an annual payment of almost two billions. Certainly the facts have shown that this agreement, signed by us only two years ago, cannot be fulfilled. But just as little as we are unable to erase by a onesided act the signatures, given since 1918 by former Government just as little was this possible with the solemn obligations which were undertaken at that time by the governing parties in the name of the German people. The present Government simply had to liquidate a situation which had been created by all former Governments since signing the Versailles treaty.

The question, whether this situation can be liquidated if Germany denies the validity of her signature and with it places herself outside the conception of cultural and esteemed standards, I must answer with a definite "no".

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Filed June 14

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v. PAPEN Document 8

From the Voelkischer Beobachter

Edition A / South German Edition

Munich, Monday, 30 January 1933.

Three Possibilities - None without HITLER.

Berlin, 29 January.

Immediately after the resignation of the SCHLEICHER cabinet, the former Reich Chancellor, von PAPEN, began, by order of the Reich President, negotiations for the purpose of setting up a Chancellorship with HITLER as Chancellor. The possibility of PAPEN's negotiations in this or any other direction coming to a quicker conclusion than was perhaps foreseen is counted on. It is clear that the former Reich Chancellor von PAPEN has not himself been entrusted by the Reich President with the formation of the Government, but rather with the task of clarifying various possibilities for a government under the Chancellorship of HITLER.

PAPEN has already had a talk with HUGENBERG on Saturday afternoon. No interim report thereon has been made to the Reich President.

In instructing PAPEN, the Reich President has expressed the desire that his attempts be kept within the framework of the CONSTITUTION and carried out in AGREEMENT WITH THE REICHSTAG.

The CONTI - SERVICE which is attached to the semi - official Wiff Telegraph Bureau writes regarding the PAPEN negotiations:

" It amounts to this, that Herr von PAPEN must find out whether a Cabinet composed of National-Socialists, German-Nationals and the Center is possible. These investigations are based upon the negotiations which have already taken place between the parties of the so-called Harzburg Front and which, according to reports from informed circles, have already reached a fairly extensive stage of developemt. In the first place, Herr von PAPEN will get into touch with HITLER in order to ascertain whether he is willing to form a coalition with him. The Reich President will then be informed of HITLER's preply and it will be seen whether the approach which failed in November is now possible."

When this first stage of Herr von PAPEN's task is achieved, the Conti - Service goes on to say, he will turn to the Center and find out its attitude towards the proposed type of government. Herr von PAPEN will most likely suggest a HITLER cabinet to the Reich President.

The TELEGRAPH - UNION emphasises also that the possibility of a prompt conclusion of the PAPEN negotiations is expected, so that, possibly by Monday, a new Cabinet can be submitted to the Reich President, which , in the present situation, can only be UNDER THE CHANCELLORSHIP OF HITLER. Should a government under the leadership of HITLER materialize, the REICHSTAG WILL PROBABLY ADJOURN UNTIL THE NEW GOVERNMENT PRESENTS ITS BUDGET.

H0684 – 0036

H0684 - 0037

For the time being, the NEXT SESSION OF THE REICHSTAG on Tuesday next has been CANCELLED. The COMMITTEE OF ELDERS (Aeltestenrat) will meet again on Tuesday and pass further resolutions.

The Communists and Social-Democrats have requested an earlier meeting of the Committee of Elders and opposed the adjournment of the Reichstag.

When the new budget has been passed, the Telegraph - Union goes on to say, every endeavour will probably be made to invest the FUTURE GOVERNMENT WITH PARLIAMENTARY POWERS DESIGNED FOR THE SOLVING OF THE URGENT ECONOMIC AND WORK PROCUREMENT PROBLEMS AND " WHICH WILL DISPENSE THE PRESIDENTS OF THE REICH HEREAFTER FROM THE NECESSITY OF APPEALING TO ARTICLE 48 OF THE CONSTITUTION OF THE REICH."

In his last declaration, the former Reich Chancellor von SCHLEICHER expressed to the Reich President his ideas concerning the possibilities of the formation of the government as follows.

Either the establishment of a PARLIAMENTARY MAJORITY GOVERNMENT UNDER THE LEADERSHIP OF ADOLF HITLER, or the establishment of a PARLIAMENTARY MINORITY GOVERNMENT UNDER ADOLF HITLER as Reich Chancellor or with HITLERs support, SUPPORTED BY STRONG POPULAR TENDENCIES, or thirdly

The establishment, above all parties, of a Presidential Cabinet "like the present one as custodian of the people's interests." Such a cabinet, however, must also have the necessary full powers with regard to the Reichstag.

Filed June 14

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Von PAPEN Document 9

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1933

C.H. Beck, publishing frim

Munich 1934

4 Jan. Meeting of HITLER with former Reich Chancellor Von PAPEN in Cologne.

. . . . . In all loyalty Herr Von PAPEN immediately forwarded a communication regarding his meeting with HITLER to the Reich Cabinet. The National Socialist News Agency (Parteikorrespondenz) communicates in a short notice: The communication took place at the house of a friend of the NSDAP in Cologne, on the occasion of the yourney of HITLER to Lippe for the elections. It was merely an unconstrained conversation regarding the political events of the last two weeks. -PAPEN declares to the Dusseldorf rpresentative of the CONTI Bureau: As I have been informed, a part of the Berlin press makes, in connection with the announcement of my meeting with HITLER some comments which are pure invention, inuparticular as if the conversation were directed against the Reich Chancellor or the present Reich Cabinet. The contrary is the case. The talks dealth exclusively with the solution of the question , to which the work of the last half year has already been devoted, regarding the concentration of the N.S.D.A.P. into a national combine.
Then comes the following general statement by the National Socialist Party Leader Adolf HITLER and of the former Reich Chancellor Von PAPEN intended for publication: "In connection with untrue rumors which have frequently been circulated in the press concerning the meeting of Adolf HITLER with the former Reich Chancellor Von PAPEN, the undersigned declare that the conference dealt exclusively with the question of the possibility of a large national political united front, and that in particular the points of view of both parties concern the Reich Cabinet now in office were not touched upon in any way in the course of this general conversation. (signed) Adolf HITLER, (signed) Von PAPEN.
At the same time Baron Von SCHROEDER handed the following declaration to the CONTI bureau to correct the false press news: The initiative for bringing about a discussion between former Reich Chancellor Von PAPEN as the representative of the widest national conservative circles and Herr HITLER as the sole leader of the National Socialist movement enanated exclusively from me personally. The object was to seek again in such an intimate conversation a common basis for an agreement between all national forces which, in the politically agitated period of the last few months, appeared to have been more and more lost sight of. Nothing else was intended, and the conversation de with no other matter.

H0684-0038

H0684 – 0039

Von PAPEN Document 9

9 Jan. Conversation between Reich Chancellor von SCHLEICHER and von PAPEN.

According to an official communiqué the conversation showed the absolute lack of grounds for the conclusions drawn by the Press from the meeting between von PAPEN and HITLER as to differences between the Reich Chancellor and Herr von PAPEN. The "Deutsche Allgemeine Zeitung" notes in this connection inter alia: The official communication quite understandably stresses circumstances which in themselves are less important than the actual political subjects of the conversations. That the intention attributed to von PAPEN in a few Party papers that by his conversation with HITLER he wished to create difficulties for von SCHLEICHER and open the way for the formation of a new Reich Cabinet, must from the first have seemed far fetched; .....

11 Jan. Reich Chancellor von SCHLEICHER receives party leader DINGELDEY of the German People's Party (D.Vp.).

11 Jan. Struggle between the Reich Cabinet and the "Reichslandbund" (Reich Agricultural league)

During a session held in the forenoon of January 11th the Central Board of Directors of the Reich Agricultural League mobes a resolution in which it rails very sharply against the attitude of the Reich Cabinet in questions of agrarian policy. It begins with the assertion that the progressive deterioration of agriculture, particularly of peasant cultivation has, owing to the indifference of the present Reich Cabinet, assumed an extent not believed possible even under a purely Communist government, and that "plundering of agriculture for the benefit of the all-powerful monied interests of the internationally controlled export industry and its satellites" still goes on. . . . . .

. . . . On Jan 12 the Board of Directors of the Agricultural League passed a fresh sharply worded resolution against the Reich Cabinet which stated inter alia: The communication of the Reich Cabinet contains important omissions and inacuracies. To express the despair and bitter feedings of the German peasantry is naturally the duty of the Central Board of Directors. The statements of the Agricultural League made at yesterday's conference have substantiated the contested resalutions in every respect and were supplemented by details which made a deep impression on the Reich President. The breaking off of relations secures to be merely a way of trying to avoid the responsibility the Reich Cabinet had incurred towards the agricultural organization, in order to continue in the secrecy of government assembles the ominious economic policy it has followed so far. The breaking off of relations is a proof that the Reich Cabinet does not wish to bear the call for help of the peasantry, or else entirely misunderstands the real situation.

H0684-0040

Von PAPEN Document 9

Jan. 12. A meeting takes place in Lippe between HITLER and Gregor STRASSER

. . . . At the same time it only now becomes known that the Reich President received Gregor STRASSER last week for a conference. STRASSER apparently intends to keep in the background for a while; only in the event of an unexpectedly quick conflict between HITLER and SCHLEICHER's Reich cabinet would STRASSER be likely to play a definite part. The following explanatory comments are added semi-officially: The meeting merely had the object of informing the Reich President as to the personality of STRASSER, who is now so much discussed politically.

Jan. 13. The Reich Chancellor Von SCHLEICHER receives the German National Party leader Dr. HUGENBERG for a conference.

Jan. 14. The Reich President receives Dr. HUGENBERG.

Jan. 15. (Lippe) Landtag elections.

Results: National Socialists 38.844 votes - 9 (1929:1) seats; German National (Dnat) 5923 - 1 (3); German People's Party (Dtsch Vp) 4352 - 1 (3); Center (Ztr) 2531 - 0; Socialists (Soz) 29.735 - 7 (9); Communists (Komm) 11.626 - 2 (1); Protestant union (Ev. VD) 4510 - 1 (-);- The National Socialists, who had 42.280 votes at the Reichstag election in Lippe of July 31st, 1932 and 33.038 votes on November 6th, 1932 recovered their position. The Reich Press Bureau of the NSDAP therefore states amongst other things: The electoral victory of the NSDAP not only surprisingly refutes the assertions of the opposition regarding the decline of the nat.soc. movement, but is also a proof that the stagnation of the NSDAP is entirely overcome, and that a new upward development of the movement has now begun. The party will have to refuse all worthless compromises which do not correspond to the strength of the party. The election results are also of significance to the internal situation of the NSDAP, in so far as the separation of HITLER from STRASSER was not followed by the weakening of the Party's strength which many people expected. The chances of STRASSER, whose appointment as Vice-Chancellor had already been represented as decided, have rather decreased.

Jan. 16. Reich Chancellor von SCHLEICHER receives Prelate Dr. KAAS, president of the Center Party for a lengthy conference.

. . . . In regard to the surmises concerning a reorganization of the Cabinet, the fiction is kept up in government circles that a STRASSER-HUGENBERG-STEGERWALD combination is possible, despite the difficulties these plans undoubtedly met with. Privy Councillor (Geheimrat) HUGENBERG is said to have made it a condition that an undisturbed activity within the Cabinet of at least one year must be guaranteed.

Jan. 17. Conference HITLER-HUGENBERG.

HITLER, coming from Weimar where he had on the previous evening had a meeting with STRASSER, arrives in Berlin and has a conference with Dr. HUGENBERG which is said to have had as its primary object the question whether a common opposition or a common governmental front would be possible.

Jan. 20. Reichstag, Committee of Elders (Aeltestenrat). The convocation of the full assembly,

which was expected for January 24th (p.5), has been postponed until January 31st; but the Council of Elders (Aeltestenrat) decides at the same time to meet again on Jan.27th. The efforts of the Government to bring about clarification without further delay and then to proceed with the necessary measures, to begin with the dissolution of the Reichstag, did therefore not succed. During the session the National Socialists proposed to begin with the adjournment of the conflict. They referred to the fact that no budget had as yet been submitted; only after the debate on the budget, which represented the principal parliamentary right could political decisions be taken. Against t is the Center was in favour of an adjournment of the Reichstag meeting for only one week. The other parties also, among them the German Nationals, urged that one could not act contrary to the wishes of one of the big parties. The Secretary of State Plank declared on behalf of the Reich Government that they held it to be urgently necessary as before, to clear up unequivocally the political situation as soon as possible, in the interest of the political pacification of the country and its economic recovery. The budget could not be submitted so soon. The Reich Minister of Finance has already shown to the Budget Committee the essential reasons therefor. Should the Reichstag utilize a delay of one week, to confirm without any doubt the majority in Parliament, the Reich Government could not oppose it. It itself could naturally not be interested in such negotiations. - The real reason for postponement of the meeting of the Reichstag is that negotiations regarding a formation of a political majority should be conducted once more. (To this the "Germania" declares later on 24 January; The motion for adjournment was originally in no way intended by the central Parliamentary group. It had been proposed, "after another conference had taken place at midday, upon the express desire of the Reichskanzler, between him and the Central Parliamentary Group, in which the theoretical possibility of certain parliamentary solutions was discussed and an attempt in this direction manifestly considered with sympathy".) In the conversations referred to, the National Socialists are to assume the lead and to attempt to realize the concentration of all groups from the National Socialists to the Center into a majority front which failed to materialize at the end of 1932. The leadership in these negotiations, in which the Schleicher Cabinet is in no way involved, rests with HITLER. If on Jan.31st it comes to the summoning of the Reichstag and then to a conflict between Government and Reichstag, or also on the other hand if this conflict is superseded by other events, the proclamation of the often discussed state of emergency must increasingly be reckoned with. The Government would then dissolve the Reichstag and set the date for the new elections in the early fall.

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January 21. The German - National party of the Reichstag declares open opposition to the SCHLEICHER Cabinet.

The motion, the essential contents of which even communicated to the Reich Chancellor and which were published on January 24th reads as follows:

"The German - National party of the Reichstag is of the opinion that a basic decision is necessary regarding a number of questions of vital importance to the nation, particularly a thorough solution of the pending economic questions, in order to relieve the intolerable social distress. In order to do this, the first condition must be a complete reorganization of the Cabinet, in order to guarantee necessary striking power and unity of the government leaders, and particularly in matters of economic plicy. The growing distress and bitterness of the people needs relief. The debates and discussions started in Berlin on the resignation of the PAPEN Cabinet have already lasted too long to find understanding in the people. The policy of delay and temporizing jeopardizes any possibility of starting improvements. The contrasts in the country, already so very great, are becoming ever greater.

22 January. The president of the Reichstag GOERING speaks in Dresden. and makes extraordinarily sharp attacks on the Reich Chancellor von SCHLEICHER. .....

23 January. Reich Chancellor von SCHLEICHER makes a report to the Reich President on the political situation.....

25 January. The Reich Cabinet replies the declaration of hostilities by the German - Nationals.

It announces in a semi - official declaration that it will "when opportune" reply officially to the German - National Manifesto. Moreover the German - National motion did not contain anything positive, and was evidently only a retaliation for the refusal of Reich Chancellor von SCHLEICHER to reorganize the Cabinet in a one - sided manner, including HUGENBERG. The effort to secure above all a change in the economic departments is discernible in the wording of the motion. Of the details of the motion the Government apparently resents as being particularly unfriendly the remark about "all too long negotiations ", to which it opposes the fact that since last Friday it had expressly withdrawn from all discussions between the parties.....

26 January. Approachment of the groups of the Harzburg front.

A flood of rumours, characterized by the Press as a concentrated attack of the righted opposition against the SCHLEICHER Cabinet creates a general panic in political circles. Based on a surprising approachment between German - Nationals and National Socialists, there are rumours of the impending resignation of the Government.

H0684-0043

Jan 27 (Reichstag) The Committee of Elders (Aeltestenrat)

decides after a short deliberation that the meeting of the Reichstag shall remain set for January 31st. On the agenda of the first Reichstag session after a two month's interval stands the acceptance of a statement by the Reich Cabinet.

The general political situation is however highly strained, the position of the Reich Cabinet severely threatened; it hinges on the question as to whether the Reich Chancellor shall obtain the necessary powers from the Reich President If so, SCHLEICHER would probably at once dissolve the Reichstag, if not it would mean the resignation of the Cabinet as a whole . . . .

. . . . A new version stands out from the many new rumours and combinations, to the effect that, in view of the difficulties of a "HITLER solution", the Reich President should be advised to recall former Reich Chancellor von PAPEN and to entrust him with the formation of a Governments which would carry out the "State Emergency" measures on a large scale, thus eliminating all parliamentary elections. National Socialist sources however declare that no National Socialist would participate in such a Cabinet, and that it must be violently opposed by the NSDAP . . . .

Jan 28. The SCHLEICHER Reich Cabinet is overthrown.

The following is officially communicated regarding the decisive interview between the Reich Chancellor and the Reich President:
"Reich Chancellor von SCHLEICHER submitted today his report regarding the situation to the Reich President, and declared that the present Reich Cabinet, in keeping with its character as a presidential government, would only be in a position to represent its program and its points of view if the Reich President placed the dissolution order at its disposal. Reich President von HINDENBURG declared that, in view of the situation prevailing at the time, he could not accept this proposition. Reich Chancellor von SCHLEICHER hereupon handed in the collective resignation of the Reich Cabinet which the Reich President accepted, whilst entrusting the Cabinet with the duty of the provisional carrying on of official business. . . . .

. . . . As the "D.A.Z." further reports von SCHLEICHER represented to the President his point of view that there were three possibilities for the solution of the crisis brought about by the political friction of recent times. The first would be the setting up of a parliamentary majority government, which could in all probability be realized under HITLER's leadership. The second possibility would be the forming of a minority government based on strong popular currents, which also in all likelihood could only be realized under the leadership of HITLER, but with the support of the other rightist groups. If the President would give up his opposition against such a solution, this solution would also have a chance of success. The third solution would be a Presidential Cabinet which, like the present one, standing over and above all parties and bound to none, would merely control the authority of the State as Custodian of the interests of the whole nation. Such a Cabinet would of course have to be endowed with the necessary powers should it not find a majority in the Reichstag. The Reich Chancellor deemed it necessary to warn against a solution which as was also communicated semi-officially, would mean that, under the nomenclature of a Presidential Cabinet, a Cabinet would be formed which in fact would represent only the government of a one-sided party control and therefore be exposed to the attacks of the overwhelming majority of the whole native. . . . .

. . . . National Socialist sources again state categorically that for the National Socialist only a Hitler government can be considered. Any other attempts towards a solution must be fought against with the utmost vigour. This of course applies particularly to a PAPEN Cabinet, but a SCHACHT Cabinet is also out of question. . . .

At noon the Reich President, as "homo regius" called former Reich Chancellor von PAPEN and delegated to him the clarifying of the political situation and the determining of existing possibilities. This mandate is further interpreted by authoritative sources to mean that the Reich President has expressed to Herr von PAPEN the desire that he seek the solution "within the framework of the constitution and in agreement with the Reichstag." Von PAPEN is already getting in touch with the National Socialist party leader HITLER this afternoon.

30 Jan. The Reich President appoints the new Cabinet under the leadership of HITLER.

In the early hours of the afternoon von HINDENBURG receives the Nat.Soc. party leader HITLER together with former Reich Chancellor von PAPEN for a lengthy conference. The following is announced officially in this connection: The Reich President has appointed Herr ADOLF HITLER as Reich Chancellor and upon the latter's proposal has formed the new Reich Cabinet. The following were appointed: Former Reich Chancellor von PAPEN as deputy of the Reich Chancellor and Reich Commissioner for the Province of Prussia; Baron von NEURATH as Reich Minister for Foreign Affairs; former Minister of State FRICK, member of the Reichstag, as Reich Minister of the Interior; Lieutenant-General Baron von BLOMBERG as Minister of the Reichswehr; Count Schwerin von KROSIGK as Reich Finance Minister; Financial Councillor HUGENBERG, member of the Reichstag as Reich Minister for Economy and Reich Minister for Food and Agriculture; Franz SELDTE as Reich Minister for Labor; Baron von ELTZ-RUEBENACH as Reich Minister for Posts and Transport; President of the Reichstag GOERING as Reich Minister without portfolio and at the same time as Reich Commissioner for Aerial Communications. GOERING was appointed to the control of the affairs of the Prussian Ministry of the Interior. The Reich Commissioner for Labour Procurement, SEREKE is confirmed in his post. The filling of the post of the Reich Minister of Justice is reserved. (Later on the former incumbent of the Ministry of Justice, Dr.GUERTNER, is confirmed in this post.) The Reich Chancellor will today take up negotiations with the Center Party and the Bavarian People's Party. . . .

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Filed June 14

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of orig.)

von PAPEN document 9 a

From

KOELNISCHE VOLKSZEITUNG

and

HANDELSBLATT

No 10 74. year

Cologne, Tuesday 10 January 1933

The official report on the discussion of 9 January 1933 between Reich Chancellor von SCHLEICHER with the former Reich Chancellor von PAPEN:

"The Reich Chancellor today received Mr. von PAPEN for a consultation concerning his meeting with Mr. HITLER on 4 January and the confusing commentaries connected with it. The discussion proved the complete untenability of the press assertions concerning the differences of opinion between the Reich Chancellor and Mr. von PAPEN."

H0684 - 0045

From: FRANZ VON PAPEN's

"Appeal to the German conscience."

Speeches concerning the National Revolution.

Copyright 1933 by GERHARD STALLING A.-G.OLDENBURG i. O.

Volume I. - Pages 8 - 9. It is therefore necessary to solve first of all three important problems out of the number of political tasks. The most urgent one, on account of its greatest importance for the inner peace, is the liberation of German Catholicism from the liberalised party forms, the removal of doctrinaire misunderstandings in the cultural program of the NSDAP and herewith the re-establishment of a common front of both Christian denominations, for the spiritual rebuilding of the Reich.

The next thing is to find the middle point of the federal principle, which allows coordination of the policy of the Reich and of its States to be for ever, but would still most carefully preserve the cultural individuality and the spiritual and national face of its individual branches.

Finally though, the national merger can only succeed, if the class-struggle, which to day disunites the people, is superseded by a corporate organization of all classes and occupations. This is probably the most difficult task of all, and the uniformity of thought of all different classes now achieved should not delude us regarding the effort in this field, required to change the massmovement of today into the political movement of tomorrow."

Volume I. - Page 45: I therefore can hardly imagine the reconstruction of a new Reich except by the incorporation of the conservetive powers of German Catholicism, to which I feel strongly bound."

Volume I. - Page 55:

"As a conservative Christian I acknowledge the sacredness of right."

H0684 - 0046

Volume II. Pages 40 - 50. "National Socialism owes its seizure of power partly to the masterly playing on the democratic piano by changing the policy and calling upon the masses and filling them with enthusiasm for decency in national life and for a new social order. But inspite of the success on this instrument, there must be no doubt that the development of the future of Germany could never alone be based on massinstincts for decency in national life, for order and social justice. For, as we can confirm in our time - and it has never been otherwise - the desire for national decency is very often replaced by subversive instincts such as denunciations and hunting for jobs.

All the same it should not to be forgotten that the millions of people with the marxistic or communistic ideas of yesterday have not become YES-men of our conception of government by changing their party - registration or by putting on a uniform, because for it at least an education of many years would be necessary.

The abuse of the masses must therefore once and for all be eliminated in the new national life.

At first sight it would seem advisable to standardize the will or even the culture of the nation by an educational dictatorship. If this dictatorship should offer a chance for a true community of nations, then it would have to be accepted until the work of general nationalisation has been completed. Certainly some results might be achieved by this type of education. It is possible to deaden the sense of criticism of a people for a certain period, to offer them a spiritual fare, which guides their conceptions into quite definite directions. But the question is, would we not be reverting educational methods which have long been recognised as detrimental? A nation on a high culture level cannot be denied the right of criticism forever.

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H0684 - 0048

What the art of education really means is to lead a person's mind in such a direction that he himself decides, not with standing all criticism on a definite behaviour which he himself desires. The agreement between people and state can only be educationally achieved. If we vitalise the experiences of the racial community and State policy in individuals. This, however, is only possible by free decision and never by pressure. Those who believe in the ability to save or to reorientate the German people, the German culture and the German State by spiritual dictatorship, may possibly be right tomorrow; the day after tomorrow, however, success would be doubtful. Force cannot promise future success, only the spiritual support of national education base on the ethical principles of religion."

Volume II, Page 51-53.

Though the existence of people and State are outside the scope of public debate, discussions regarding the struggle for the formation of public life should be welcome. No statesman can forego constructive criticism, because otherwise enlightenment regarding deficiencies in installations and persons would be lacking. The dictatorship of the philosophers such as put forward by PLATO, would certainly be an ideal state. But men are neither wise nor ormiscient. There is therfore the need for enlightenment, warning and admonition for the rulers, by the one who himself passionately participates in his fate. It may also lead to an honest spiritual struggle; if it is fought by fair means and on behalf of the nation it is only a sign of vitality and a incitement which revolutionary power cannot paralyse before it has attained its goal." "This implies a sincere effort on the part of the critics, a certain tolerance on the part of the ruler." "The tolerent man, on the contrary, is the one, who carries through his point of view, but also allows himself to b taught and who also honors the seriousness and the sincerety of the convicti of others, even if he cannot agree with them. No culture is possible withou this genuine tolerance,

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Von PAPEN Document No. 1o

Volume II, page 71.

"We are thus at the beginning of a Christian revolution. The revolutionary power of Christianity is efficacious since the teaching of Christ has created a new world: the Christian occident. The vivifying creative power of this Christian teaching will give Europe directives for its further development, or her culture will fall to ruin."

Volume I, pages 16-17.

The social question as it presents itself to day is the result of powerful sociological, economic and technical events of the 19 century. The consequenc for the soul of the people were quite ignored in the course of the political transfer of the population from the country to the great industrial centres. Millions of Germans became more or less poor and homeless. When the harm to social life became evident the state intervened and thought it could cure it by a large scale social policy. The great mistake of the German social policy and its incapacity of really coping with it, is evident to-day. Whilst the adherents of the materialistic historical conception worked legitimately from their point of view towards a proletarianisation of the German people, a genuine social policy would have definitely been forced to choose the road to deproletarianisation. . It must certainly be recognized that the trade unions were the only institutions which in that time of biological decadence offered a place, in which the worker could take root and could to a certain extent be changed from proletariat to working class. These and the socialistically inclined parties also had before them the object of the deproletarianisation, but they forgot that it was a mistake to withdraw industry from the responsibility of the workers employed therein and to overburden

H0684-0050

the Government with this responsibility. The State as such is not the natural bearer of the responsibility of life, it is rather the individual, the family, the working community. It must be the aim of a true socialistic policy to put every German in a position where he can take the risks of his own existence. Where this vitality was lacking it had to be developed and to be helped; where there was no ownership left, the possibilities had to be made for gaining new ownership, and where the individual was too weak, the old German ideal of the cooperatives assistance had to be aimed at.

Instead of this, the German people had been transformed into a nation of pensioners, but not as in France, but in the sense of public pensioners. The means therefore had to be supplied to the State in the form of public burdens by the responsible and able people. The method of levelling was undertaken in the hope of achieving the deproletarianisation, but in reality at the end of this wrong road stands Bolshevism."

Volume I Pages 82-83.

"Today we realize that the far-reaching expropriation which followed capitalisation, is the final reason for the decay of our nation. We know that it only can be countered, if the evil is pulled out by the root, if we are trying for a true social policy on a big scale to divert the longing of the Germans for personal possessions and to satisfy them. It is not true that the majority of the German workers strives for the nationalization of all products, that they are antagonistic to personal property. The man who has no longer hope of acquiring property becomes of course antagonistic to property. This desire cannot indeed be satisfied by money and an artificial raising of the standard of living, but only by reestablishment of the original form of property for as many persons as possible: the right to dispose of their own land, of their own home which protects one from homelessness, misery and distress in old age. During the last World War I have observed very carefully how the humblest soldier strove to convert the poorest billet, even the most primitive trench into something like a home. Homes and settlements are thus the great magic words, with which we must approach the social problem."

Volume I, page 91:

There will always be and must be differences in property. But it should not be that a small group possesses everything and the predominating mass of the people nothing at all. Property should also be graduated; most of the men and particulary their wives have the faculty of managing a small personal property. Therefore the demands of deproletarianisation and the reconversion of the masses of workers into a real nation must necessarily be printed in by letters above the entrance gate of the new period.

I recognize, that the trade unions have done many things to imbue the working classes with professional honor and professional pride. Many trade unions, for instance the union of office clerks have accomplished marvels. Though a real sudden change and definite work in this respect was in opposition to the idea of class-conflict. It was the socialist parties who prevented big scale consequences of the tendency of the trade unions to convert the working class into a class. If the trade unions realize the signs of the times and keep off politics on a big scale Then they can become a pillar of a new order."

Volume I, page 93:

It is the duty of us, the leaders of the German people, to hold out our hands to the German worker of all political shades. We exclude no one just because we know how much of national greatness and sacrifice derived from the years of trench comradship still remains in the parties, opposed to us; therefore I appeal again to all members of the national front with the reminder, to preserve their discipline tomorrow in order to ensure the freedom of vote for everybody."

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Filed June 17, 1946

(Page 40 of orig.)

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Copy.

of a pamphlet, published by the Germania Verlag A.-G. Berlin S.W. 68 in June 1934 with the following title:

Speech
by
Vice-Chancellor von PAPEN
before the University Society
Marburg, 7 July 1934.

The pamphlet contains the verbatim text of the speech, held in Marburg on 17 June 1934.

On February 21, 1933, in those stormy days, when National - Socialism was coming to power in Germany, I tried in a speech before the students of the University of Berlin, to outline the meaning of this turning point of history. I was speaking - so I said then - in a place devoted to the search for truth and spiritual liberty. With this I did not mean the liberal conception of truth and liberty. Ultimate truth is only to be found in God and the search for it receives its real meaning only from this starting point. Today I resume the argument I then pursued, when once again I am permitted to stand on academic soil in this medieval jewel - the town of St. Elisabeth - and I add that, disputed as the ideal of objective truth may be, the obligation of subjective truth, of veracity, is demanded of us Germans, if we do not wish to give up all claims to the most elementary foundations of human morality. This place dedicated to science, therefore, seems to me especially appropriate for giving an account of the truth before the German people. For the voices of those asking that I should state my fundamental attitude towards the happenings in Germany and the condition of Germany are daily growing more urgent and numerous. Since, they say, by the removal of the Weimar government in Prussia and by the concentration of the national movement, I had taken such a decisive part in German political development, it was my duty to watch this development more closely than any other German.

It is not my intention to evade this duty. On the contrary, my spiritual obligation to Adolf HITLER and his work is so great, and so deeply do I feel connected with the renewal of Germany which has begun, that from a human as well as a political point of view it would be a deadly sin not to say what must be said in this decisive moment of the German revolution.

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The events of the last year and a half have affected and deeply stirred the entire German people. Almost like a dream it seems to us that from the depths of distress, hopelessness, hate and disunion we have found the way back to the union of the German people. The tremendous tensions under which we have lived since August 1914 have broken up and from them emerges once more the German soul, before which passes the glorious and yet so painful history of our people from the old sagas of the German heroes to the trenches of Verdun, yes, even to the streetfights of our own days.

The unknown soldier of the world war who with tremendous energy and unshakeable faith conquered the hearts of his countrymen has freed this soul. Together with his Field Marshal he has placed himself at the head of the nation in order to turn over a new page in the book of German destiny and to restore her spiritual unity.

This unity of spirit, we have experienced in the ecstasy of thousands of demonstrations, flags and celebrations of a nation which is finding itself again. But now, as enthusiasm declines, as the hard work claims its right in this process, it becomes apparent that a process of purification of such dimensions also produces dross of which it must free itself.

Such dross exists in all spheres of our life, spiritual and material. Our neighbours, watching us with envy, point at this dross and regard it as the sign of a serious process of decay. They should not rejoice too early. For if we summon enough energy to free ourselves from such dross, then we hereby prove best how great our internalstrength really is and how determined we are not to allow the aims of the German revolution to be perverted. We know that rumors and whispers must be brought out from the dark where they have taken refuge. An open and manly discussion serves the German people better than, for instance, the airtight condition of a press of which the Minister for Propaganda and Public Enlightenment has stated, that it "no longer has a face". This deficiency no doubt exists. The purpose of the press should be to inform the government where deficiencies have crept in, where corruption has settled down, where grave errors have been committed, where unfit men sit in the wrong places, where sins are committed against the spirit of the German revolution. An anonymous or secret information service, however, well organized it may be, can never be a substitute for this task of the press. For a newspaper editor is under the reponsibility of his conscience and the law. On the other hand, anonymous news scurces are uncontrolable and liable to the danger of byzantinism. When therefore the natural organs of public opinion do not bring enough light into the mysterious darkness which at present seems to have fallen upon the German public, then the statesman must stand up and call the things by their right names. Such a procedure will prove that the government is strong enough to tolerate reasonable criticism, that it is aware of the old principle which says that only a weakling cannot stand criticism. If it is alleged abroad that liberty is dead in German lands, then the frankness of my

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speech shall make it clear, that the German government can by its own determination, afford to open to discussion the burning questions of the nation. However, only he has earned this right who has placed himself without reserve at the disposal of National Socialism and its work and proven his loyalty towards it.

This introduction was necessary in order to show the spirit in which I approach my task of rendering an unreserved account of the German situation and German aims. Now let me outline briefly the situation as I found it when fate made me co-responsible for the direction of German destiny.

The state authorities were in decline and unable to stop the dissolution of all natural and divine ties.

The lack of leadership and energy had reached a point which strengthened more and more the desire of the German people for a strong guiding hand. The opposition of the front generation and the youth had become irresistible. The general splitting of parties corresponded with the spreading of fatal despondency. Unemployment was growing and with it social radicalism. That these defects could not be overcome by small means but only by a spiritual and political revolution was realized not only by the rightist groups of the German people, especially the NSDAP, but was the common opinion of those best elements of our people not bound to any political party. The devaluation of all values, as NIETZSCHE says, had been prepared particularly on a spiritual basis. It is therefore unjust, if the justifiable struggle against a certain "intellectualism" is being changed today into a struggle against the spirit as such. It is the historical truth that the necessity for a fundamental change of course was recognized and urged by those who shunned the path of revolution by a mass-party. A claim for a revolutionary or nationalist monopoly by a certain group, therefore, seems to me overweening, quite apart from the fact that such a claim prejudices the unity of the people.

On March 17, 1933, at Breslau, I pointed out that a kind of conservative-revolutionary movement developed in the years after the war which differed from national socialism mainly in its tactics. Since the German revolution fought against democratization and its fatal consequences, the new conservatism logically refused any further development of democratic methods (Demokratisierung) and believed in the possibility of eliminating pluralistic forces from above. National Socialism, on the other hand, first followed the road of democracy to its end, only to be confronted then by the certainly not easy question of how the ideas of absolute leadership, complete authority, aristocratic selection and organic structure of the nation could be realized. History has justified the national socialist tactics and this acknowledgement induced the conservative statesmen to form an alliance with the national socialist movement in those decisive hours in the beginning of 1933.

These facts must be stressed if revolutionaries too eager and often altogether too young want to dismiss as "reactionary" those who with full consciousness undertook the task which the time demanded. For to the true politician only the following basic attitudes are possible: He can misunderstand the necessities of his time and therefore fail,

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he can oppose the course of his time and thus succumb, or he can make himself one of the first to fight for what absolutely must be done, thus fulfilling the mandate of history. He who has accepted this attitude stands above hollow slogans, particularly that of reaction, ansslogan which, moreover, suspici recalls those marxist times which now, thank God, have been surmounted.

Moreover, the statesman must become clear about another exigency, namely that a turning-point in a period is complete and so that it includes and alters all expressions and circumstances of life; that , however, against this mighty background the actual political event takes place, to which alone the conceptio of politics may be applied. The statesman and politician can reform the state, never life itself. The tasks of a politician and of one who reforms life are fundamentally different. From this knowledge the Fuehrer has explained in his book "Mein Kampf" that the task of his movement was not that of a religious reformation but of a political reorganisation of our people. The turning-point of a period, therefore, as a total conception is removed to a certain degree from governmental planning. Not all of life can be organized without becoming mechanized. The state is organisation, life is growth. Certainly, there are relations and reciprocal effects between life and organisation, but they have their limits which may not be passed without danger to life itself. The very nature of a revolution consists in the struggle of the spirit against mechanisa Bolshevism, therefore, is not the true revolution of the twentieth century, but a slave revolt aiming at the final mechanization of life. The real revolution of this century, as I said before in my speech at the Berlin University, is the of the heroic and God-fearing (gottgebundenen) personality against lifev denyir chains, against suppression of the divine spark, against mechanisation and collectivism, which is nothing else than the ultimatedegeneration of a bourgeo liberalism. Collectivism is the individualism of the mass which does not seek the whole anymore but only itself.

How a consciousness of a new era rises and grows among a people is usually recognized least by one who himself stands at the beginning of a new era. It is not easy for him to understand its meaning, But this much do we know from history, that a revolution is, to a certain extent, only the politica stamp on a document presented by history. The new man as the result of the daw of a new era grows; the state, on the contrary, must be formed by human reason. The state, it is true, also forms human beings, but it would be an illusion to believe that a fundamental change in human conceptions of value can be brought about by the state. The state might, indeed, favor a conception of history and be concerned about standardising it, But it cannot command it, since it originates in an ideology (Weltanschauung) which has its roots beyond the political sphere. It also rests on exact research the disregard of which is always of fatal consequences. When I think about the problem of the meaning of histor for our time I remember with pleasure the question my history professor used to ask me: "How

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would German history have developed, if Frederic the Great had married Maria Theresa.

The meaning of this turning-point in time (Zeitenwende) is clear: What is at stake is the decision between men with faith and the unbelieving, it is the question if all eternal values are to be realized or not, whether this process of secularization and profanation, as it was begun centuries ago, is going to lead to a complete alienation of humanity from God and thus to the decay of all culture, or if the belief in the transcendental and in the eternal order of the world will again be fundamentally decisive in the feeling, thinking and acting of mankind. Against this historical background there takes place also the political occurrence of the German revolution. It is the statesman's task to write off decayed forms and shattered values, but to promote in their growth the eternal values which are struggling for new life and make them the foundation of creative statesmanship.

If the liberal revolution of 1789 was one of rationalism against religion, then the counter-revolution which is now occurring in the twentieth century can only be conservative in the sense that it does not seek rationalization and dissolution, but the return of all life under the natural laws of creation. That is probably the reason, why the ideological leader of the NSDAP, Alfred ROSENBERG, spoke at Koenigsberg about a "conservative" revolution.

Hence the following clear consequences result in the political sphere: The period of the emancipation of the existing lowest class from the higher classes is over. It is not a question of holding down a specific class - this would be reactionary - but to prevent one class from rising, taking possession of the state and asserting its claim to total power. Any natural and divine order would thus be lost, a state of permanent revolution would threaten. The state is rather more the governing center of the entire nation in which each class is biologically organized and each individual stands in his place through natural selection. True government comprises the whole of the people and repels any special claim of one particular class or group. The aim of the German revolution therefore, if it wants to be valid and exemplary for Europe, must be the founding of a natural social order which puts an end to the permanent struggle for power. Genuine power cannot be derived from one class or one group. But the principle of popular sovereignty has always led to such class domination. Therefore, an anti-democratic revolution can only be considered ended when it breaks with the principle of popular sovereignty and returns to the principle of natural and divine authority. This, however, must not be in any way confounded with depriving the people of their rights. From democracy can arise an anonymous tyranny, while abolition of popular liberty can never be derived from genuine and responsible leadership. I know how much the Fuehrer wants the feeling for genuinely responsible and just leadership to stay alive among the people. Therefore, I think, the German state will one day find its culmination in a head of state which is removed once and for all from political controversies, demagoguery and the conflict of economic and class interests.

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Next to the requisite of a principle of government derived from higher responsibility and lasting beyond the life of one person, there exists - in a state of mutual dependence - the necessity for the foundation of a new social order. The feeling for this necessity affects all European nations which have gone through the tremendous changes of industrialisation, urbanization, mechanization and capitalization. That such longing for a new social order is particularly strong in fascism and national socialism need not be especially emphasized. On the other hand, however, we recognize how extremely difficult it is to reconvert into a nation the masses that have lost their connection with blood and soil, since the healthy, class ties and hierarchies were lost in the liberal age. National Socialism, therefore, places the greatest value to the task of winning back the souls of these masses for the people and the state. This is done mainly by education, discipline and propaganda. The national socialist system thereby primarily fulfils the task for which parliamentarianism had become too weak: restoration of a direct contact with the masses. Thus a sort of direct democracy has arisen which has succeeded in guiding back the masses that were turning away from the state. Behind this momentary necessity, however, stands a much more important aim: the creation of a social order formed upon universally valid organic principles and not only upon a clever domination of the masses. While the French revolution created fundamental forms in parliament and universal suffrage, it must be the aim of the conservative revelution to drive through to such universally valid principles by an organic reconstruction of the social classes. The domination of one single party, instead of the multi-party system which has justly disappeared, appears to me, historically as a transitional stage justified only as long as the safeguarding of the new political change demands it and until the new process of personal selection begins to function. For the logic of an anti liberal development demands the principle of an organic, political moulding of the will which is based on the free choice of all classes of the people. Only organic ties can overcome the party and create that free community which must exist at the end of this revolution.

A further decisive fact of this twentieth century revolution is the end of internationalism, which is nothing more than the fruit of the liberal idea of the all-powerful force of world economy. Against this stands the national awakening, that almost metaphysical recollection of one's own racial origins, intellectual roots, common history and living space. Only today are we again developing that sound feeling for the historical unity of body and soul, of language and custom which in its essence is beyond the state and necessary as a counterpart to the state. While in the national democracy national characteristics (Volkstum) and state merge into one, we now once more understand the fruitful tension between people and state, from which the state receives those forces without which it becomes an hollow mechanism. For this reason national consciousness is something different than the nationalist conception of the state. Whereas the latter leads towards the cutting-off of nations from each other, to mutual laceration and thereby to the Balkanization of Europe; a strenghtened national consciousness has the tendency to recognize the sacredness of all national characteristics (Volkstuemer). The national awakening thus clears the way for supra-national cooperation.

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I have pointed out already at Dortmund that modern technics require the formation of large economic areas and that Europe, in view of the tremendous competition of the other continents, can only barely maintain her present standard of lifing, if overall European costs become somewhat lower. The way to such a formation of large economic areas as required by the age of the automobile and the airplane leads through the sactification of national characteristics (Volkstum) and the idea of alliances of great nations, which leave national characteristics undisturbed and unimpaired. To this, however belongs, the voluntary abandonment of a state totalitarianism which does not recognize any adult individual life (gewachsenes Eigenleben). To this belongs above all knowledge of the nature of the autoritarian state which, though not admitting any activity directed against the state, does not on the other hand claim that everything be done by the state.

In describing these aims of the German revolution, I have hit directly upon the problems of the present situation, the discussion of which, as I said before, I do not want to evade. The question I stated as to the fundamental problem of our epoch, the division into men with faith and non-believers, touches upon the discussion of the conception of the state. A state must decide whether it will be religious or secular. Historical logic demands that the liberal, secular state of 1789 should be followed by the religiously based state of the German counter-revolution. But one should not mistake the religious state which is based upon an active belief in god for a secular state in which earthly values replace such belief and are given religious honors. Here to some words of the Fuehrer in "Mein Kampf" are also applicable, when he writes: "I do not hesitate to declare that I see in those men who draw the national movement into the crisis of religious disputes worse ennemies of my people than in any internationally minded communist." Certainly, the outward respect for religious belief is an improvement compared to the disrespectful attitude produced by a degenerate nationalism. But we should not forget that real religion means to be bound to God and not to those substitutes such as have been introduced into the consciousness of nations especially by the materialistic conception of history of Karl Marx. If wide circles of people, out of the very viewpoint of state totality and the complete amalgamation of the nation, demand a uniform religious foundation, they should not forget that we ought to be happy to have such a foundation in the Christian faith. They also should consider if the alleged crisis of the Christian religion is really - s often maintained - the consequence of the fact that the cardinal truths of Christianity are dead and outlived and if it is not perhaps due to the fact that a rationalized and liberalized humanity has largely lost the inner capacity for understanding the mystery of Christ. It is my conviction that the Christian doctrine is the absolute religious form of all occidental thinking and that with the reawakening of religious forces the German people also will be permeated anew by the Christian spirit,

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a spirit the profundity of which is almost forgotten by a humanity that has lived through the nineteenth century. A struggle is coming for the decision, as to whether the new Reich of the Germans shall be Christian or will be lost in sectarianism and half-religious materialism. The decision will be easy, if all attempts to influence it by the state in the direction of a forced reformation are omitted. It is admitted that the opposition of Christian circles to state or party interference with the church constitutes a political momentum; but only because political encroachments on the religious sphere forces those concerned to reject, for religious reasons, to reject such a claim of totality, which is unnatural in that sphere. Also, as a Catholic I know that a religious conviction based upon freedom of conscience refuses to let itself be ruled by political authority in its most intimate affairs. One should not forget, therefore, that any forced religious conflicts would release energies before which even force must fail. Those people who hope for a new, unique religious union ought to ask themselves how they imagine the German task in Europe can be accomplished if we voluntarily exclude ourselves from the society of Christian nations. Any effective work within the European political sphere seems impossible to me under such a supposition. The fact of a common European culture and civilization, to which we ourselves have contributed so much constitutes an obligation, notwithstanding the national peculiarity of the individual cultural accomplishment. We must not lock ourselves intellectually within our borders and voluntarily retire into a ghetto. Here lies the real reaction, the withdrawing into one's shell in the face of historical necessity and the mission of a people which, in its great periods, always cherished the idea of the empire. The old dissension between Guelph and Ghibelline which extends through the whole German history comes to life again and demands a decision. Those who know what is taking place today in the best brains and noblest souls of Europe can feel how a new Ghibelline party is beginning to germinate in Europe, which carries within itself the ideal of that fundamental aristocratic conception of nature of which the Fuehrer has spoken, and is impelled by the yearning for a happier continent. To be a renewer means to overlook temporal advantages and prejudices and to strive for those eternal principles which at all times and in all nations lived in the heart's desire of the best human beings.

It is useless to conceal from oneself the fact that a certain gap has opened between the intellectual intentions and the daily practice of the German revolution. And that is not astonishing! To confront this danger, one must ask one's self the reasons for this situation. They are to be found in the fact that in the German revolution - as often in history - the intellectual revolution coincides with a social one. The intellectual revolution aims at the fundamental aristocratic conception of nature already mentioned, whereas the social one runs the risk of being influenced to a certain degree by the dynamics which in its time politically sustained marxism. In such a situation the ruling class faces a tremendous task the solu-

tion of which requires the greatest and most difficult decision of a true statesman. Conrad Ferdinand MEYER, in his great story "The Temptation of Pescara", has analysed exhaustively a similar historical situation when outlining the attitude of Martin LUTHER toward the peasants' war in the following words: "A world-shaking personality has two offices: he accomplishes what the time calls for, then however - and that is his far more difficult task - he stands like a giant against the splashing foam of the century and flings behind him the enraged fools and bad characters who want to interfere exaggerating and dishonouring the true work".

No one can fail to recognize that this enormous task, which is given at all times to the revolutionary, is still to be done. The leaders will have to be on their guard that no new class struggle occurs again under different colors. They want the whole nation and therefore, in full recognition of the national advantage, refuse to divide the people for all time into a privileged class and one with inferior rights. Such an attitude would not correspond to the almost 100 % approval of the new government by the German people, on Nov. 12. 1933. Of course, it is obvious that the supporters of the revolutionary principle will at first also occupy the positions of power. But once the revolution is terminated, the government only represents the entire people and never is it the exponent of individual groups. Otherwise it would fail in forming the real community of the people. In this connection one must also break with false romantic ideas which do not suit the 20th century. So we cannot think, according to the example of the ancient Greeks, of repeating the division of the people into Spartans and Helots. At the end of such a development the Spartans had nothing to do but to keep down the Helots, whereby Sparta's foreign power was weakened. In a state with a real community of the people the domestic battle cry has to stop once and for all. Certainly, there must be selection. But the natural principle of selection and segregation must not be replaced by adherence to a certain organisation, as long as the motives for this adherence remains obscure. National Socialism, therefore, has always fought to keep the party book separate from human worth and achievment. Nobility, on the other hand, is not only a question of blood, but also of intellect. Therefore, it will not do to dispose of the intellect with the catchword of "intellectualism". Deficient or elementary intellects cannot yet justify a war on intellectualism. And if today we complain sometimes about the 150% Nazis, then we mean these landless intellectuals, people who would like to deny the right to exist to scientists of world fame, because they are not party members.

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also in politics. One should not make the objection that spiritual people lack the vitality necessary for the leaders of a people. True spirit is so vital that it sacrifices itself for its conviction. The mistaking of brutality for vitality would reveal a worship of force which would be dangerous to a people.

The worst intellectualism however is the domination of the slogan. There are thoroughly liberal people who cannot pronounce one sentence without misusing the word 'liberal'. They believe real humanity to be liberal, whereas in reality it is the fruit of the old Christian culture. They define liberty as a liberal concept, whereas in fact it is Germanic to the core. They oppose equality before the law, which they criticise as liberal degeneration, whereas in reality it is the prerequisite for any fair judgment.

These people suppress that foundation of the state which always, not only in liberal times, was called justice. Their attacks are directed against the security and freedom of the private sphere of life which the German has won in centuries of hardest struggle.

The phrase "Men make history" is often misunderstood. The government therefore rightly opposes any false hero worship which is as unprussian as can be imasigned. Great men are not made by propaganda, but grow by their achievements, and are recognized by history. Byzantinism cannot deceptively disregard these laws. He who talks about Prussianism should first think about quiet and selfless service and only eventually, or better not at all, about reward and praise.

The education of a people for service to the nation is a natural commandment and must set in all the stronger, as it was neglected by the Weimar regime. But one should not disregard the biological and psychlogical limits of education. Coercion ends at the will of self-expression of the true personality. Reactions to coercion are dangerous. As an old soldier I know that rigid discipline must be supplemented by certain liberties. Also a good soldier who submitted joyfully to unconditional obedience counted the days of his service because the need for freedom is rooted in human nature. The application of military discipline to the whole life of a people must remain within the limits which are not contrary to human nature. Each human being needs hours in which he belongs to his family, to recreation, or to himself. Knowing this, the Reich Minister of Education has decreed that Sunday should again belong to the family and the church. However it would be reprehensible to believe that a people can be united by terror. The government will oppose any attempt in this direction because it knows terror to be the consequence of a bad conscience which is approximately the worst possible adviser a government can consult.

Real education which is always discipline can be derived only from moral principles. True moral principles, however,

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can come only from the belief in a higher order of the universe. Patriotism, ready devotion and sacrifice are only durable if rooted as a divine commandment in the individual.

We should therefore not be taken in by the polemic slogan that the individual does not count. The Fuehrer demands of his followers "never to forget that every human value lies in the personal value, that every idea and every achievement is a result of the creative power of a human being and that admiration of greatness not only represents a proof of gratitude towards the great, but also unites those who are grateful."

I have outlined so clearly the problems of the German revolution and my attitude toward them, because the rumors of a second wave which would complete the revolution do not stop. Who irresponsibly plays with such thoughts, should not forget that a second wave may easily be followed by a third one and that he who threatens with the guillotine soonest falls under it. Also one cannot see where this second wave might lead. There is much talk about the coming socialization. Have we lived through an antimarxist revolution in order to carry out the program of Marxism ? Because Marxism means every attempt to solve the social question by applying collectivism to property. Will the German people become any richer thereby, will its income increase, will anyone be better off than those at most who scent booty in such a robbery ? Certainly, there is a social problem, caused by economic and sociological developments. But these can be solved only if property is again placed under responsibility, not by proclaiming as a prevailing principle "collective irresponsibility." This latter therefore must also not be made the principle of a planned economy which turns away more and more from individual initiative and responsibility. For he who has not yet realized that every form of collectivism leads to ineradicable corruption must have gone through the world with closed eyes.

No people can afford the permanent revolt from below if it wants to endure in history. The movement must once come to a standstill, a solid structure must once begin to arise, which is held together by an unprejudiced administration of justice and an uncontested governmental power. By constant dynamics nothing can be achieved. Germany dare not become a passage into the unknown of which no-one knows where it will stop. History proceeds by itself, it is not necessary to push it constantly. If therefore a second wave of new life should go through the German revolution, then not as social revolution but as a creative completion of the work already begun. The statesman's task is the creation of forms, his only concern is the state and the people. The state is the only power and the last guarantee of that right to which every citizen is entitled, namely absolute justice. The state therefore cannot at length tolerate dualism. Upon the question whether a satisfactory solution of the dualism between party and state will be successfully found depends the success of the German revolution and the future of our people.

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The government is well informed on all the selfishness, lack of character, want of truth, unchivalrous conduct and arrogance which would like to spread out under the cover of the German revolution. It is also aware that the rich store of confidence bestowed upon it by the German people is threatened. If one wants close connection and association among the people, one must not underestimate their good sense, must return their confidence and not try to hold them constantly in tutelage. The German people knows their situation is serious, they feel economic distress they recognize well the deficiencies of certain laws born from emergency, they are sensitive to force and injustice, they smile at clumsy attempts to deceive them by false optimism. No organization and no propaganda, ever so good, will in the long run be able to preserve confidence I therefore looked at the wave of propaganda against the so called "foolish critics" differently from many others. Not by provocation, especially of the youth, not by threats against helpless parts of the people, but only by confident discussion with the people can confidence and readiness for cooperation be promoted. The people know that heavy sacrifices are expected from them. They will bear them and follow the Fuehrer in unflinching loyalty, if they are allowed to have their part in the planning and working, if not every word of criticism is taken for ill will and if despairing patriots are not marked as enemies of the state.

When the German submarine warfare struck England's vital nerve, the English press drew the attention of the English people to the full gravity of the danger. The result was that the English rose like one man to the defense. Just in view of the spiritual and material boycott we have to face in the world this example shows how strongly the relation between leader and people must be based on confidence, when ultimate matters are at stake. A people under tutelage has no confidence to give away.

It is time now to draw together in brotherly love and respect of the fellow countryman, not to interfere with the work of serious men and to silence doctrinaire fanatics. The government warns those who do not want to see that the Germans are a people in the midst of other European peoples, that the few inherited values we have preserved must be kept together and that we cannot afford the wanton destruction of these values. If we disregard and abuse the millenial history of our people, the three thousand years of history of our continent, then we shall lose the great chances which the 20th century once more offers to this nation in the heart of Europe. World history today is made by those who look down sneeringly on the sick Europe. If Europe wants to maintain her claim to leadership in the world, then no hour may be lost to devote all her strength to spiritual rebirth and to bury all petty quarrels. The world is in a state of violent change, only a people well disciplined and conscious of its responsibility will lead.

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We Germans can work our way up from weakness to the position due us, if we match spirit with energy, wisdom with strength, experience with the readiness to work. History is waiting for us, but only, if we prove worthy of it.

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SCHULTHESS!

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1933

C.H. BECK'sche Verlagsbuchaandlung

Munich 1934.

1. February. Dissolution of the Reichstag.

. . . . . In the evening, Reich Chancellor HITLER addressed the people over the radio with the following appeal, resolved on by the cabinet:
. . . . . During these hours when overwhelming worries for the existence and the future of the German nation overcome us, the aged leader of the world war summons us men of the national parties and societies once more as once upon a time at the front now to fight under him in the homeland in unity and loyalty for the salvation of the Reich. Since the venerable Reich President joined hands with us in this most generous spirit for a common purpose, then we as national leaders will swear to God, to our conscience and to our people to fulfil absolutely and unyieldingly fulfil as a national cabinet the mission which has hereby been charged to us. . . . . .
. . . . . The national government with this gigantic task of the restoration of our economy will combine the task and execution of the restoration of the Reich, the "Laender", and the communities in administrative and tax-technical respect. Only there by will the idea of the federative preservation of the Reich become a true and living reality. . . . . .

10 February. Formation of a "Fight-Bloc Black - White - Red".
The bloc which enters the electoral struggle with an independent electoral list PAPEN-HUGENBERG-SELDTE, is composed of the German National People's Party, the "Stahlhelm" and other personalities not bound by party ties.
The first federal leader of the "Stahlhelm", Reich Minister of Labor SELDTE, begins to speak during a press conference and makes explanatory remarks concerning the national front. At first, he briefly touches on the creation of the new Reich Cabinet. The historical Monday of last week is a wonder, since the rapid development of the formation of the government came as an utter surprise. . . . . .
. . . . . On 11 February, the first demonstration of the new bloc takes place in "Sport palast". As the first speaker, Dr. HUGENBERG states among other things: Everything depends on the forces of salvation remaining in power - as they want in the face of all danger. But also everything depends

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on their remaining united among each other and remaining true to the agreement which have they have reached with each other. Whoever should perhaps say that this is only a transitional stage which will soon make way for a redistribution of power, sins against the German people, he again calls upon the previously prevailing destructive forces to take over. He would be the father of chaos and German Bolshevism which however national would destroy Germany. For Germany is not Russia. I say openly: - I did not want a new election. Since 1919, since Weimar, I have been sitting in the German parliament - and I have never become a parliamentarian. Throughout all these years, we German Nationalists have fought against the parliamentary and party state. The new Cabinet is no new edition of one of the numerous parliamentary cabinets which we have had. Otherwise I would not be in it. What we German Nationalists already wanted at the time of the fight against the Young-Plan, in the time of Harzburg - what we held on to with perseverance, fighting sometimes against this one, sometimes against that one - what we sought to put right with strenght and passion from the position of the minority - a tool in the struggle for a brighter German future: this is what this new HINDENBURG cabinet of the national assembly is. I was neither able nor permitted to let this coalition fail because of the one point concerning which we could not reach an understanding, - the question whether another election should be held, Already for the reason that I did not fear an election, I could not let it fail. Thus, we voted once more on the fifth of March. And Germany may testify that she is sick and tired of voting by voting for the "Fight-bloc Black-White-Red"! . . . . .

Vice Chancellor Von PAPEN stated: In the same manner as the men of the Reich Cabinet united in order to wage the fight for the rebirth of Germany side by side in upright mutual confidence, so also the many varying forces of the German people must join hands for the common task above all party limitations and party doctrines. I have never denied how much I have always considered narrow party doctrine and a narrow party bureaucracy an obstacle for the unification of the German people people, These party shackles have become too confining for the nation whose people found each other in the baptism of fire of the world war, and they are no longer understood by the younger generation on whom our future rests. The German National people's party under its deserving leaders has recognized as primary the necessity for the rebirth of Germany of struggle for the conservative principles. But with all of you we believe that the change of the times today demands of us more than ever the impetus toward a great, all-inclusive national movement of Christian-conservative character, a movement in which all strata of the German people must be represented who desire a new social Germany led by justice and authority. Desides the Protestant, part of the people the Catholic part too must have its natural share in such a new formation of our political will. We have made the beginning with the organization of the "Fight-bloc Black-White-Red" and have laid the corner stone for the new order of the formulation of politicla will.

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Von PAPEN Document 12

I have made my name and my cooperation available for this coalition which is above all parties because no ordinary election is concerned, nor party and parliamentary majorities, but in a certain sense there is concerned so to say a last review of the army which the government of national concentration wishes to stage before it begins the decisive battle against the misery of the times and against the German abuses. However, the electoral troops of the government march into the electoral battle with a uniform slogan, but not under unified leadership. Seen superficially this appears to be a mistake, On the other hand, political history teaches us that excessive concentrations do not last very long, especially on German soil. This is caused by the fact that the spiritual fullness and variety of German life can seldom be reduced to a system. Therefore, I consider the circumstance that the present Reich Cabinet is not made up of one single party or movement, but of various groups of the nationalist movement, of free politician and experts, not a disadvantage, but an advantage. Especially in this respect I know how to give credit for the sacrifice which the leader of the greatest German party and movement, the present chief of government has made for the national cause. The popular movement formed by him secures for our government work the loudest echo and a solid basis. On the other hand, the present government coalition makes possible the integration of various leadership strata in the state: especially the forces of the German Nationalist People's party, which are filled with tradition and those of the Stahlhelm cannot be spared by us. .....

Besides National Socialism by the side of which we are fighting, we want to personify conservative Germany and to appeal under the colors of the new Christian Reich of German nationality especially to the working and studying youth whose goal is the true German national society. We refuse by far to advocate reactionary objectives of the spiritual or economic kind. In the fear of God and respect for the creative personality, in responsibility for the whole, we wish to wage the battle against proletarianization in the spiritual, economic and social fields, we wish to pit quality against quantity, people against mass, leadership against vested interests. . . .

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Von PAPEN Document 12

5 March. Reichstag elections and Landtag elections in Prussia.

Results of the REICHSTAG ELECTIONS: NSDAP: 17,2658 million votes - 288 (November 1932: 196) seats; percentage 43,7; Social Democrats: 7,1035 million - 119 (121) 18,2%; Communist party 4,7485 million - 81 (100), 12,2%; Center party 4,2983 million - 73 (70) 11%; Fight-Bdoc Black-White-Red 3,1157 million - 52 (52) 8%; Bavarian People's party 1,206,300 - 19 (20) 3,1%; German People's party and Farmers 429,500 - 4 (11) 1,1%; Christian Socialist Union 379,000 - 4 (5) 1%; German State Party 332,300 - 6 (2) 0,9%; Weingaertner (connected with the Fight-Bloc) 313,300 - 1 (7) 0,8%.

Result of the PRUSSIAN LANDTAG elections:
NSDAP: 211 (April 1932: 162) seats 43%; Social Democrats 80 (93) 16,5%; Communists 63 (57) 13%; Center 68 (67) 14%; Fight-Bloc Black-White-Red 43 (31) 9%; German People's party 4 (7) 1%; Christian Socialist Union 2 (2) 1%; German State party 3 (2) 0,7%.

23 March (Reichstag) Acceptance of the Enabling Law.

Reich Chancellor HITLER holds the following great programmatic speech: Men and Women of the German Reichstag! In agreement with the Reich Cabinet the National Socialist and the German National People's party have submitted to you by an initiative request a law for the alleviation of the emergency of people and Reich for a decision. The reasons for this extraordinary motion are as follows:. . . . . The Reich Cabinet does not contemplate abolition of the "Laender" by this Enabling Law. But it will take those measures which from now and for ever will guarantee uniformity of the political intentions in the Reich and the "Laender". The greater the spiritual and voluntary agreement is, the less interest will there be ever after to oppress the cultural and economic characteristic life of the individual "Laender" . . . . . .A far-reaching REFORM of the Reich can result only from living development, its aim must be the construction of a constitution which combines the will of the people with the authority of real leadership. The legalization by law of such a constitutional reform will be granted to the people themselves. . . . . .

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Von PAPEN Document 12

. . . . Since the cabinet is determined to carry out the political and moral decontamination of our public life, it is creating, and assuring the prerequisites for a truly deep revival of religious life. The personal-political advantages which may result from compromises with atheist organizations, do not even come near to outweighing the consequences which are becoming apparent in the destruction of general basic moral values. The national government considers the two Christian faiths the most important factors for the preservation of our national characteristics. It will respect the agreements concluded between them and the "Laender". Their rights shall not be touched. However, it expects and hopes that the work on the national and moral renewal of our people which the cabinet has made its task, will experience the same consideration the other way around. It will meet all other creeds with objective justice. But it cannot tolerate membership to a certain creed or a certain race to be an absolution from general legal obligations or even a license for felonies to go unpunished or for crimes to be tolerated. The government is concerned for the sincere companionship between church and state; the fight against a materialistic ideology, for a true national community serves the interests of the German nation as well as the well-being of our Christian faith. Our legal system must serve above all for the preservation of this national community. The immunity of the judges, for the purposes of society, on the one hand must correspond to an elasticity in handing down judgments. . . . . . . In the same manner, the Reich Cabinet which considers Christianity the unshakable foundations of the moral and the morality of the people, attaches great importance to friendly relations with the HOLY SEE, and attempts to elaborate them. . . . . .
In order to bring itself into a position to fulfil the tasks which are within this scope, the government had the ENABLING LAW submitted in the Reichstag by both the National Socialist and the German Nationalist Parties. Part of the contemplated measures require the majority necessary for changing the constitution.

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The execution of these tasks and their solution is necessary. It would contradict the spirit of national elevation and would not be sufficient for the contemplated purpose if the cabinet would bargain for and beg for the approval of the Reichstag for their measures from case to case. The government in this matter is not impelled by the intention of dispensing with the Reichstag as such. On the contrary, it reserves for itself for the future the right to inform the Reichstag concerning its measures or to obtain its assent. . . . . .

. . . . . The government will make use of this authorization only to the extent that this is necessary for the execution of vital measures. Neither the existence of the Reichstag nor that of the Reichsrat is threatened. The position and the rights of the Reich President remain unaffected. It will always be the prime task of the government to induce the domestic agreement with its aims. The stability of the "Laender" will not be removed. The rights of the churches will not be infringed upon, and their position in relation of the state will not be changed. . . . . .

. . . . . In connection with the statements of the Reich Chancellor, the delegates KAAS (Center) Ritter Von LEX (Bavarian People's Party), MEYER (State Party) and SCHEFFENDORFER (Christian-Socialists) made a statement for their delegations that they would vote for the Enabling Law. After a speech by Reichstag President GOERING, the Enabling Law is passed in the third reading with 441 votes against 94, thus with the required 2/3 majority. The Reichstag adjourns sine die. . . . . .

Filed June 17, 1946

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of orig.)

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Affirmation in lieu of oath.

I am aware of the importance of an affirmation in lieu of oath. I know I would make myself subject to penalty by making a false affirmation in lieu of oath. I know in particular that the statement below is intended to be submitted to the I.M.T. in Nuernberg.

I, the undersigned, Dr. jur. Conrad JOSTEN, Neuss, Glockhammer 42, state as follows in lieu of oath:

Late in April 1934, I came into close connection with the then vice-chancellor Mr. Franz von PAPEN as unofficial coworker. I stood on the footing of a particularly close friendship with the rest of Mr. von PAPEN's staff, in particular with Mr. Wilhelm Emanuel, Baron von KETTELER and Friedrich Carl von SAVIGNY and later with Mr. Fritz Guenther von TSCHIRSCHKY and Count Hans Richard von KEGENECK.

The relationship of Mr. von PAPEN with these gentlemen was particularly close and intimate so that I am in a position to express a competent judgment on the whole attitude of Mr. von PAPEN and of his closest coworkers.

From August 1935, my relations to Mr. von PAPEN were limited to a close connection with his coworkers and occasional visits to himself.

The political attitude of his circle was conservative throughout and was in sharp contrast to the objectives and methods of the National-Socialist policy insofar as this policy was not in accordance with German pre-1933 law and international law.

When I became connected with Mr. von PAPEN, he and his circle were already feeling a considerable disappointment over the fact that HITLER's policy did not live up to what had been considered, in the Cabinettmeeting called by Reich president HINDENBURG, as a prerequisite.

After having failed in every attempt to gain direct influence on essential points,

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Mr. von PAPEN considered the possibility of bringing about a showdown by maki an appeal to the German and international public and he determined, regardles of the danger which this course held for him, to brand HITLER's methods,which he did in a speech held before the students of Marburg on 17 June 1934.

The attitude of Mr. von PAPEN in regard to HITLER's policy was expressed clearly by him by his support of the victims of National Socialist persecutic in every way possible through his trusted coworkers. He caused this support t be extended, regardless of the individual victim's personality - including Je to everybody whose personal integrity he had ascertained by investigations. To these persons or, as the case might be, to their relatives or dependants, he also extended vital financial support.

The Protestant Confessional Church which was already at that time being persecuted was steadily and secretly supported by contributions. I myself occasionally undertook the remittance of such contributions. Mr. von PAPEN has consciously recruited his whole staff of coworkers from non-National-Socialist and mostly from outspoken opponents of National-Socialism . This applies particularly to his above-named very confidential coworkers.

It is known to me that after the assassination of Federal Chancellor DOLLFUS Mr. von PAPEN accepted his mission in Vienna only after long hesitation and upon positive, written assurances from HITLER. For Mr. von PAPEN the intent and purpose of this mission lay only in the thought of pacifying relations with Austria. Here again, he was an outspoken opponent of any violent solution.

It is known to me that at the close of his activity in Vienna, Mr. von PAPEN sent the carbon copies of his reports to HITLER into safe custody in Liechte stein. His purpose in so doing was to avoid a subsequent misinterpretation of his activities, which had been solely directed towards ensuring a peacef course of events.

It is known to me that before accepting the post in Vienna, Mr. von PAPEN wished to retire from polities, that he had also declined a post which had been offered him as ambassador to the Vatican and that he accepted the Vien post only because in the event of his refusal

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and the continuation of the policy hitherto carried out by the National-Socialists towards Austria, he feared for the relations between the two sovereign states a development which would be fatal to Austria.

Nuernberg, 23 March 1946

signed: Conrad JOSTEN.

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Dated June 17

Declaration in lieu of oath

of Miss Maria Rose.

I am aware of the importance of a declaration in lieu of oath. I am also aware of the fact that by deposing false testimony in lieu of oath I would commit a criminal offense and that the following declaration is to be submitted to the International Military Tribunal at Nuernberg.

I, the undersigned, Maria ROSE of Hannover, 19 Sedanstrasse, testify the following in lieu of oath.

I was private secretary to Ambassador v. PAPEN from 13 March 1933 until the latter's recall from Ankara in August 1944. My testimony is supported by knowledge obtained by me during my employment and by the close personal contact which I had during this time with the whole v. PAPEN family and with Mr. von PAPEN's colleagues.

With regard to the official activities of Mr. von PAPEN as Vice-Chancellor I know from the notes which Mr. von PAPEN made before and after the discussi with HITLER, of his attempts to counter the most varied measures of HITLER. I know from the Vice-Chancellor's own declarations and the statements of his colleagues who enjoyed especially confidential relations with him, that at that time Mr. von PAPEN became more and more disillusioned with the develop-ment of the HITLER policy. He expressed himself repeatedly to the effect that the prerequisites under which the establishment of the government had taken place were no longer being observed. Mr. von PAPEN was especially affected by the fact, that HITLER had managed to become the only person to be admitted alone to confer with HINDENBURG, so that Mr. von PAPEN was no longer given the opportunity, as had been laid down at the time of the for-mation of the Government - to influence the Conferences by his presence. After the prohibition of the publication of the speech made by Mr. von PAPEN at Marburg in June 1934 the latter tendered his resignation. HITLER at first attempted to delay it. This has remained most clearly impressed on my memory on account of the nervous attitude of Mr. von PAPEN and his colleagues at th time. On the lifting of the house-arrest which had been imposed on him on 30 June 1934

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Mr. von PAPEN no longer engaged in any sort of official activity as Vice-Chancellor. Among other things I can recall a letter to Hitler, in which he referred once more to his tendered resignation, and in particular demanded the rehabilitation of his colleague, Oberregierungsrat (Senior Councillor to the Government) von BOSE who had been shot on 30 June 1934.

In accordance with a decree which had been issued at that time, the corpses of those who had been executed on 30 June 1934 had to be cremated. In applying the most severe pressure on HITLER and the Gestapo, Mr. von PAPEN succeeded in having Mr. von BOSE buried in the cemetery at Berlin-Lichterfelde. Mr. von PAPEN held a speech at the grave, whose contents I can still recall as he had previously dictated it to me in draft form.

In this obituary Mr. von PAPEN expressed his indignation at the criminal "measures" of 30 June. He openly professed himself on the side of his colleague who had been a man of irreproachable loyalty whom he would protect until he had been cleared.

The fact of and the contents of the obituary were the more remarkable, as HITLER had tried to justify the murder of BOSE to Mr. von PAPEN on the grounds, that he had become guilty of treason by conspiring with the foreign press.

In spite of HITLER's request Mr. von PAPEN did not participate in the Reichstag Session, in which the "measures" of 30 June were to be justified. He left Berlin on this day accompanied by his son and did not return until late in the evening.

The manifold efforts of Mr. von PAPEN in connection with the occurrences of 30 June, which were directed at obtaining the possibility of conferring with HINDENBURG at Neudeck are known to me. Herr von PAPEN's group of friends had also addressed themselves to Neudeck for this purpose. All efforts, however, in vain. The refusal was based on the excuse that the illness of the Reich President did not permit a visit. Mr. von PAPEN returned for the first time to Neudeck only after HINDENBURG's death.

I know that Mr. von PAPEN brought back from his discussions with HITLER at Bayreuth, a communication signed by HITLER, which led to his appointment as Envoy Extraordinary to Vienna, in which the prerequisites for his temporary task in Vienna were set forth. It had been particularly stressed herein that

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his activity was limited to the calming the tense situation excluding the policy so far disastrous of the NSDAP in Austria, and any kind of political employment of force.

During his activity in Vienna the contacts of Mr. von PAPEN were limited to Austrian National-Socialists in accordance with the necessities arising within the framework of his public official position as Ambassador or Mini

On the conclusion of Mr. von PAPEN's activity in Vienna, I remained in Berlin as his secretary during the period until his appointment as Ambassa to Ankara, which took place in April 1939. I remember from this period th Mr. von PAPEN twice refused the post of German Ambassador at Ankara which had been offered to him, and that it was only after the Italian occupation of Albania that he declared himself prepared to accept it.

The radio announcement of the outbreak of war was heard by me at the Embas at Ankara together with the Ambassador and all the other colleagues. Afterwards I walked across the Embassy Park with the Ambassador. The Ambassado was extraordinarily excited and shaken. I had never seen hi like this before, not even in the darkest days of 30 June 1934 and not even after th murder of his friend KETTELER. That is why I can recall exactly every word which the Ambassador said to me on that occasion:

"Remember my words: To have provoked this war is the greatest crime an the greatest madness which HITLER and his people could possibly have commi Germany can never win this war. All will be buried under the ruins."

From my activity as secretary in Ankara I know of the intervention of Mr. von PAPEN on numerous occasions on behalf of politically persecuted and condemned Germans as well as Poles, Belgians and Fenchmen.

Of the numerous attempts of the Ambassador to bring about peace, the visit to the Orient of Archbishop SPELLMAN from New York in 1943 has particularly remained in my memory. Mr. von PAPEN had received the suggestion from the Turks to take this opportunity for peace talks.

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v. PAPEN Document 14.

Mr. von PAPEN immediately contacted Berlin in this matter, received however from there a sharp refusal, with the pointer that "now only weapons talk". In the Embassy at Ankara a women named VAHID, who according to the interpretation of the Nuernberg Laws was "Fully Jewish", was employed as a switchboard-operator. In spite of pressure by the Gestapo to terminate this situation, which at that time was probably singular in a German agency, the Ambassador allowed Mrs. VAHID to retain her position until the closing down of the Embassy in August 1944.

Nuernberg, 16 May 1946.

s/ MARIA ROSE.

I herewith certify that the above in lieu of oath has been signed by Miss Maria ROSE in my presence.

Nuernberg, 16 May 1946.

s/ Dr. KUBUSCHOK.

v. PAPEN Document 15

Introduced June 17

Affirmation in lieu of oath

by Friedrich Carl Count of Westphalia.

I am aware of the penal significance of an affirmation in lieu of oath. Furhtermore, I know that the below affirmation in lieu of oath is intended for submission to the International Military Tribunal in Nuernberg.

I, the undersigned, Friedrich Carl, Count of Westphalia from Fuerstenberg, Kr. Bueren, of Westphalia, affirm in lieu of oath as follows:

In all circles, which were near to the former Vice-Chancellor Franz v. PAPEN, it had been known shortly after the speech had been held in Marburg about the middle of 1934 that it was condemned very strongly by the National Socialist Reich authorities and that measures were taken to suppress the dissemination of the speech through the press or private printing. My brother, Philipp Count of Westphalia, at that time assistant judge (Regierungsassessor) in Berlin had one of those copies of the Marburg speech on his desk which was found by the Gestapo when they searched his house for this purpose. After adequate hearings, my brother was transferred to the government in Frankfurt on the Oder, a measure at that time known in the Ministry of the Interior to be the usual punitive transfer. Therefore, already at that time the conclusion could be drawn that the openly expressed religious and political opinions of Herr v. PAPEN in spite of his position in the Reich government on account of his position as Vice-Chancellor were to such an extent in opposition to the prevailing government and seemed so dangerously derogatory that the mere fact of being concerned with the train of thought of Herr v. PAPEN in the second year of National Socialist government and of being in possession of a copy of his speech was reason enough, to characterize a government employee as inimical to the State making it necessary to give him a punitive transfer.

Fuerstenberg, Krs. Bueren, Westphalia.

9 May 1946

signed: Dr. FRIEDRICH CARL
COUNT OF WESTPHALIA

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No. 158/46 of the document book.

The above signature of Dr. of Agriculture and Forestry Carl Count of Westphalia at Haus Laer near Meschede, at present in Fuerstenberg Krs. Bueren, i/W. is

herewith certified.

Meschede, 13 May 1946

signed: Josef Anton WIGGE

Notary Public.

(Stamp)

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Von PAPEN Doc. 16

Excerpt

from

the speech of the then Vice-Chancellor

Franz von PAPEN

in Gleiwitz, 1934.

"..... There are certainly no objections against race research and eugenics which endeavour to maintain the peculiarity of a nation as pure as possible, and at the same time to awaken a taste for nationality. This love for ones own race will never degenerate into hatred toward other nations and races. This is decisive and this eugenics must never be brought into conflict with Christianity, for race and Christianity are not contradictions but only different orders. It was Christianity which first made of the German tribes a German nation and certainly it is not necessary first to create a new Nordic Germanic religion in order to be able to give a testimony to our nationalism .....

(quoted from Bishop Dr. Alois HUDAL. The bases of National Socialism. Johannes Guenther Publisher, Leipzig an Vienna, 1937, page 293).

H0684-0080

Excerpt
from
AMBASSADOR DODD'S DIARY
1933-1938
Edited by WILLIAM E. DODD, JR. and
Martha DODD
London, Victor Gollancz LTD 1941

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June 20. Wednesday. A copy of an address delivered at Marburg by Vice Chancellor von PAPEN last Sunday was sent me by Junius WOOD of the Chicago Daily News.
.....

There is now great excitement all over Germany. All old an intellectual Germans are highly pleased. We made copies of the address in English and mailed it to Washington. HITLER's emotional speech near Munich on Monday is now better understood. His visit to von HINDENBURG, as reported for tomorrow, is a part of the excitement. All guards of the leaders are said to be showing signs of revolt. At the same time, aircraft practice and military drills and maneuvres are reported to be increasingly common sights by those who drive about the country.

June 21. Thursday. I learned this afternoon that the New York Times asked that the whole of von PAPEN's speech be cabled over. London and Paris papers are featuring the von PAPEN episode. ....

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June 23. Saturday.
.... The week closes quietly but with great uneasiness. At 6.30 Ambassador LONG called long distance from Rome, very anxious to know the state of things here. I was surprised at his indiscretion, but talked as freely as the eavesdropping of the German Secret Police would allow. I said: All is quiet here; there is a good deal of discussion of von PAPEN's speech. He asked about the reaction to it and I said perhaps two-thirds of the people I am in contact with endorse it; .....

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June 28. Thursday.

..... The von PAPEN speech was discussed every day. Hitler and Goering and Goebbels spoke almost every day attacking those who objected in any manner to the existing regime. Goering and Hitler were together at the Krupp plant in Essen today, and there was some comment on their apparent agreement against von PAPEN.

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August 2. Thursday.

..... No member of the German Cabinet except von Neurath had been allowed to visit Neudeck since July 11, not even his close friend, von PAPEN.....

von PAPEN Document 18.

Filed June 17

PROCES-VERBAL

----------In the year nineteen hundred and forty-six and on March eighth at eleven o'clock appeared before us, ROY André, assistant control officer, president of the Military Government Tribunal in Sarrelouis, in our office in the Military Government Building at Sarrelouis, assisted by Mr.ESPIAUBE Raymond, probationer attaché to the Military Government, interpreter for the German language, sworn in "ad hoc" and by Miss RECKTENWALD Yolande, clerk of the Court, sworn in "ad hoc"----------

----------Mrs. Marthe de BOCH-GALHAU, 65 years of age, living in Vaudrevange, wife of Franz von PAPEN, arraigned before the International Court for War Criminals in Nuernberg-----

----------The appearer has requested us to accept her declarations concerning the defence of Franz von PAPEN and to give them legal form so that said declarations may be submitted to the International Court for War Criminals in Nuernberg.----------

We would mention that Madame von PAPEN requests to be permitted to make her declaration under oath.----------

We would state that Madame von PAPEN, being the wife of Franz von PAPEN, arraigned before the International Court for War Criminals in Nuernberg, it is not possible for her to take her oath in legal form.----------

----------We would nevertheless mention that Madame von PAPEN particularly desires to precede her testimony by the following declaration: ----------

---

S.I.--------I, Marthe von PAPEN, née de BOCH-GALHAU, wife of the defendant von PAPEN, declare the following under oath. I am aware that the making of a false declaration under oath is punishable, and, knowing that the following declaration is to be used for submission to the International Military Tribunal in Nuernberg, I do declare the following under oath------

We take down Madame von PAPEN's declaration immediately and without interruption. ----------

S.I.--------At the beginning of July 1934 (nineteen hundred and thirty-four) - I no longer remember the exact day - it was only a few days after JULY FOURTH NINETEEN HUNDRED AND THIRTY-FOUR, which was the date of HITLER's conversation with my husband - I was with Mr.von PAPEN and his secretaries in my drawing-room of our Berlin flat, Lenné Strasse No 9, when Mr. LAMMERS, who was then Secretary of State at the Reich Chancery had himself announced. Mr. von PAPEN received him in the next room. I could not understand the details. I only heard that my husband's voice, which moreover is always very calm and polite, became more and more violent, that he also thumped the table with his fist and that he apparently reviled Dr.LAMMERS, causing the secretaries seated near me to express their satisfaction. ----------

S.I.--------Owing to the length of time which has elapsed since these events, I do not give any of the names of the secretaries Mr.von PAPEN had at that time for fear of making a mistake.----------

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S.I. .....A few moments later LAMMERS left the room and my husband came into the drawing room in which we were, his face very red. I asked him what had happened. He told me that LAMMERS had offered him in HITLER's name the post of Ambassador to the Vatican, remarking that if the post was not sufficiently remunerative from the financial point of view, this could be remedied. ----------

S.I. .....This had made my husband so indignant that he had replied to LAMMERS: "Do you think that I have no sense of honour and that I could be induced to accept a post by affering me money, when, after the latest events I refuse, as can be readily understood, to accept any official post?"-------

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S.I. .....In speaking of the "latest events, Mr.von PAPEN referred to the events of June thirtieth nineteen hundred and thirty-four. ----------

---

Madame von PAPEN having told us that she had no other statement to make, we have closed the present proces verbal, written on two sheets numbered one and two, which we have signed on the day, month and year above mentioned together with the appearer, the interpreter and our clerk, of the Court approving two defected words as nul and void. ----------

scal

signed AR.

signed M.von PAPEN - Boch - Galhan

signed R.Espiaube

signed Hecktenwald

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Filed June 17, 1946

Affirmation in lieu of oath by

Friedrich Count SCHAFFGOTSCH.

I am aware of the importance of an affirmation in lieu of oath. I am particularly aware that it is punishable to give a false affirmation in lieu of oath. In the knowledge that the following declaration in lieu of oath is to be submitted before the International Military Tribunal, I, Friedric Count SCHAFFGOTSCH, Warmbrunn, at present Castle Kreuth near Heideck, affirm as follows in lieu of oath:

I have known the former Reich Chancellor von PAPEN for several decades and later became his close friend. We met quite frequently. Occasionally von PAPEN also visited me for a longer period which afforded me the opportunity to be fully informed by him on his entire political attitude and his views.

Shortly after his release from confinement, which had been inflicted upon him in connection with the ROEHM affair, Mr. von PAPEN came to Warmbrunn in Silesia to visit me for about two weeks. He thoroughly explained to me the situation and his intentions. He told me among other things that, since publication of his speech made in Marburg the middle of June had been prohibited, he had constantly attempted to see HINDENBURG, who apparently was not informed correctly in order to explain how unbearable was the entire situation. At Warmbrunn Mr. von PAPEN constantly attempted to make possible this visit to the Reich President. All attempts failed, apparently because forces were at play to prevent a meeting between Mr. von PAPEN and the Reich President. Mr. von PAPEN also attempted to make this visit possible through a personal intervention in Neudeck. For this purpose he sent his secretary, Baron von KETTELER to Neudeck who personally was to arrange a visit by Mr. von PAPEN. This attempt also met with failure. As reason for rejection it was said at that time that the Reich President's ill health made a visit impossible. Mr. von PAPEN also complained to me that HITLER himself was apparently blocking his visit to HINDENBURG.

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Von PAPEN document 19

I am personally very well acquainted with the Reich President's personal physician at that time, Professor ADAM, who formerly had been spa-physician at Bad Flinsberg, which belongs to me. Later on I talked with him about Mr. von PAPEN's fruitless attempts to be admitted at NEUDECK. Professor ADAM explained to me that Reich President von HINDENBURG at that time repeatedly mentioned his astonishment, that, PAPEN, contrary to the Reich President's wish, had for so long not made an appearence. In connection with the foregoing events the Reich President had wished to talk with HITLER and Mr. von PAPEN together; actually however only HITLER appeared who, in answer to HINDENBURG's question as to PAPEN's whereabouts, stated that Mr. von PAPEN was ill and therefore could not come. Professor ADAM explained to me that, at that time and also previously, HINDENBURG's state of health would certainly have permitted a visit.

NUERNBERG, 8 May 1946

s/ Friedrich GRAF SCHAFFGOTSCH

I hereby certify that the above signature of Count Friedrich von SCHAFFGOTSCH was given in my presence.

NUERNBERG, 8 May 1946

(signed) Dr. KUBUSCHOK

H0684-0087

v. PAPEN Document 21

Entered June 17

Extract

from the

VOELKISCHER BEOBACHTER

Edition A / South German Edition

196. Edition 47th Year.

Munich, Sunday July 15th 1934

The Fuehrer's triumphal drive through Berlin , Berlin impressed by memorable Reichstag Session.

(Wired report from our Berlin editor)
Berlin, 13 July.

.... On the Fuehrer's right, on the first row of the government bench, the Reich Foreign Minister Baron von NEURATH, the Fuehrer's deputy Reich Minister Rudolf HESS, the Reich Minister of the Interior Dr. FRICK and the Reich Minister of Finance Count SCHWERIN von KROSIGK took their place.

In the second row of the government bench sat the Reich Minister of Justice Dr. GUERTNER, the Reich Minister of the Armed Forces General von BLOMBERG, the Reich Minister of Food DARRE, the Reich Minister of Transport Baron von ELTZ - RUEBENACH and the Reich Minister of Propaganda Dr. GOEBBELS.

The Reich Minister of Education RUST, Reich Minister KERRL and the Prussian Minister of Finance Dr. POPITZ could be observed in the third row.....

von PAPEN Document 22

Filed June 17, 1946

From:

The Constitution of the German Reich

of 11 August 1919

A scientific and practical Commentary

by Gerhard Anschuetz

Third Revision

12th Edition (34th and 35th thousand)

1930

Published by Georg Stilke, Berlin.

"Art. 48. If a State fails to comply with those obligations attendant upon it by virtue of the Reich Constitution or the Reich Laws, the Reich President can compel it to such compliance by resorting to armed might.

If public security and order in the German Reich are seriously disturbed or endangered, the Reich President can take the necessary measures for the restoration of public security and order, and if necessary intervene with the help of armed might. For this purpose, he may provisionally invalidate wholly or partially the basic laws in accordance with articles 114, 115, 117, 118, 123, 124 and 153.

The Reich President must inform the Reichstag without delay of all measures taken in accordance with Paragraph 1 or Paragraph 2. Such measures are to be invalidated upon request of the Reichstag.

In the event of danger of delay, the provincial government can apply in its administrative area, temporary measures such as those described in Paragraph 2.

H0684-0088

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Such measures are to be invalidated upon request of the Reich President or the Reichstag.

Details are specified by a Reich Law.

Art. 56. The Reich chancellor determines the directives of policy and is responsible to the Reichstag therefor.. Within these directives, each Reich Minister administers the special branch entrusted to him, independently and under his own responsibility to the Reichstag.

.....

4. The purpose of the prerogatives conferred upon the Reich Chancellor by Art. 56 is not only to enable him to give the general indication of the directives and modify them, but above all to give him the right and make it his duty to see that the Departmental Ministers do not contradict the directives. This implies a powerful determining influence over the various departments. As Deputy von DELBRUECK undeniably confirmed in the VAusch (Report, Page 300), the Reich chancellor has been given the possibility of "intervening in the management of each individual department with the remark: I would bring to your notice that at this point the policy of this department has ceased to be in harmony with the directives given by me." Differences of opinion which occur in this connection between the Reich chancellor and Departmental Minister are settled, not by a majority decision of the Reich government (Art.57) but by the Reich chancellor alone (likewise Standing Order of the Reich Government Paragraph 1, 3; a.M. - not conclusive - Glum in the above-mentioned place, page 16; accurate Poetzsch-Heffter No 1c, 1d to Art. 56, No 2c to Art. 57; W. Jellinek, Constitution and Administration Page 85). It is primarily thanks to the prerogatives conferred upon the Reich chancellor by Art. 56

./.

that the stability of the supreme leadership, the political homogeneity of the governing body and unity in the administration of the individual departments in keeping with the constitution are ensured.

Art. 57. The Reich Minister must submit to the Reich Government for discussion and decision all draft bills and other matters for which the Constitution or the Law have prescribed such procedure, as well as differences of opinion on questions rellevant to the jurisdictions of several Reich ministers.

1 .....

c) "Differences of opinion on questions relevant to the jurisdiction of several Reich ministers".

This heading includes only differences of opinion between the Departmental Ministers themselves, not such as arise between them and the Reich Chancellor, on questions bearing upon policy directives. In differences of opinion of this description, the opinion of the Reich Chancellor is, as already stated (Art. 56 No 4), decisive.

.....

Art. 58. The Reich government takes its decision on a majority vote.. In the case of an equality of votes, the vote of the President is decisive.

.....

2. The majority principle laid down in the first sentence is subject to two exceptions.

I. The Reich Chancellor cannot be out-voted in questions bearing on the "directives of policy" he has laid down; compare Articles 56 (No 4), 57 (No 1,c

.....

H0684-0090

Filed June 17, 1946

Excerpts from and remarks on

Law for the relief of the national, and Reich emergency,

dated 24 March 1933 (RGBl.I,141)

(socalled enabling act)

I. Excerpt from PFUNDTNER--NEUBERT

THE NEW GERMAN REICHLAW.

section Ia, page 1 (new):

. . . . "After the year 1931 already had brought out more laws by way of emergency ordinance than by normal legislative procedures (42 emergency ordinances compared to 35 laws), there were in the year 1932 about 60 emergency ordinances compared to only 5 regular laws" . . . .

II. Remark:

The legal basis for the emergency ordinances was article 48 of the WEIMAR constitution (quoted in von PAPEN document 22).

III. Remark:

The most important emergency odinances during the years 1930 to 1932 are enumerated above in von PAPEN document 4.

IV. Also the Reich Government, formed on 30 January 1933, just as its predecessors, in a number of cases, at first made use of the Reich President's constitutional emergency ordinance according to Article 48 of the WEIMAR constitution, for excample:

- Excerpts from the Reichsgesetzblatt 1933, Part I -

a) "Reich President's ordinance of 31 January 1933, the Reich Commissioner for the province (Land) of Prussia." (I,35) (The deputy of the Reich Chancellor, retired Reich Chancellor von PAPEN was ordered to alter, or supplement, the emergency ordinance of 20 July 1932, compare with von PAPEN document 4,number 16)

b) "Reich President's ordinance of 4 February 1933, for the protectio of the German people." (I,35)

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c) "Reich President's ordinance of 6 February 1933, for the restoration of orderly governmental conditions in Russia". (I,43) (removed certain effects on the German Reich of the Federal Court's sentence of 25 October 1932, compare von PAPEN document 5)

d) "Reich President's ordinance of 14 February 1933 for protection of agriculture." (I,63)

e) "Reich President's ordinance of 18 February 1933, for the mitigation of hardships in social security and the Reich Economy." (I,69)

f) "Reich President's ordinance of 22 February 1933, concerning the taking over of Reich guarantees for repair and alteration work and concerning the repair of agricultural buildings." (I,79)

g) "Reich President's ordinance of 23 February 1933, for the advancement of agriculture." (I,80)

h) 'Reich President's ordinance of 28 February 1933, for the protection of the people and the state." (I,83)

i) 'Reich President's ordinance of 28 February 1933, concerning treason against the German people and highly treasonable intrigues." (I,85)

j) "Reich President's ordinance of 1 March 1933, concerning sickness insurance." (I,97)

k) "Reich President's ordinace of 20 March 1933, for changing the milk law." (I,97)

l) "Reich President's ordinance of 13 March 1933, concerning savings and clearing banks, municipal credit institutes and clearing clubs as well as clearing centers." (I,103)

m) "Reich President's ordinance of 18 March 1933, concerning measures in the field of finance, economy and legal practice." (I,109-130)

n) "Reich President's ordinance of 16 March 1933 concerning the law to combat phylloxcera rastatrix". (I,134)

o) "Reich President's ordinance of 21 March 1933, concerning the guarantee for immunity from punishment." (I,134)

p) Reich President's ordinance of 21 March 1933, for defense against treacherous attacks against the Government of the national rebellion." (I,135).

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q) "The Reich President's second ordinance of 23 March 1933, for the advancement of the utilization of native animal fats and domestic fodder means." (I,143).

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Filed June 19

(Page 86
of orig.)

VON PAPEN Document 24

Document 24 originally contained the texts of the two previous enabling acts of

13 October 1923 (RGBl. I, 943)

and 8 December 1923 (RGBl. I, 1179)

which were similar to the enabling act of 24 March 1933 and likewise enacted "in consideration of the emergency of the people and the Reich".

- - - - -

Document 24 is eliminated on the understanding that the Prosecution admit the fact that there was already an Enabling Act of October 1923 and another one of December 1923.

Filed June 19, 1946

(Page 87 of orig.)

Von PAPEN Doc. 25
(from: 2962 - USA Exh. 578)

Record

of a Ministerial Conference

on 25 March 1933, 6.30 p.m.

in the Reich Chancellery

Present: Reich Chancellor HITLER

Deputy of the Reich Chancellor

and Reich Commissioner for the State of Prussia Von PAPEN

. . . . . .

The Deputy of the Reich Chancellor and Reich Commissioner for the State of Prussia stated that it was of decisive importance to coordinate the masses standing behind the parties into the new state. The question of the incorporation of political Catholicism into the new state was of particular importance. Perhaps the parties could be informed in every case about the measures intended to be taken by the Reich Cabinet (Reichsregierung).

The question of the flag would best be settled by a law to be passed by the Reichstag, and not on the basis of the Enabling Act (Ermaechtigungsgesetz).

H0684-0095

Filed June 19, 1946

(Page 88
of orig.)

Von PAPEN Doc. 26
(from: 2963 PS - USA Exh. 659)

Record

of a Ministerial Conference

on Monday, 20 March 1933

11.15 a.m. in the Reich Chancellery.

Present: HITLER

Reich Chancellor

Deputy of the Reich Chancellor

and Reich Commissioner for the State of Prussia Von PAPEN

....

The Deputy of the Reich Chancellor and Reich Commissioner for the State of Prussia stated that a new basic state law would have to be formulated which would above all be freed of exaggerated parliamentarism. Perhaps the Reich Chancellor in his government statement (Regierungserklärung) would be able to make some statements to this effect.

H0684-0096

(Page 89
of orig.)

Von RAEN Document 27

Subject: SPECIAL COURTS

I. Excerpt from: Reichsgesetzblatt 1932 Part I, pages 404-407.

Ordinance the Reich Cabinet concerning the formation of speical courts.

Dated 9 August 1932.

Pursuant to Chapter II of the sixth part of the third ordinance of the Reich President for safeguarding economy and finances and to combat political excesses dated 6 October 1931 (Reichsgesetzblatt, I Page 537, 565) the following is ordered:

Article I.

Special Courts are formed at the "Land" courts of the superior "Land" court districts Koenigsberg, Breslau, Kiel, Hamm, and Duesseldorf and at the "Land" courts in Berlin and Elbing.

The Special Courts are provincial courts (Gerichte des Landes).

The "Land" administrations of justice may determine that the districts of several "Land" courts be consolidated into one special court district.

Article 2.

The special courts are competent:

1. for crimes against the ordinance of the Reich President against political terror, dated 9 August 1932 (Reichsgesetzblatt I, page 403),
2. for crimes against human life according to articles 211 to 215 of the penal code,
3. for crimes and misdemeanours against the law against the criminal and publicly dangerous use of explosives, dated 9 June 1884 (Reichsgesetzblatt, page 61)
4. for crimes and misdemeanours of resistance against state authority, for crimes and misdemeanours against public order, for crimes and misdemeanours of robbery and extortion, for crimes and misdemeanours dangerous to the commonwealth (second part, 6th, 7th, 20th, 27th section of the penal code),
5. for crimes and misdemeanours of dangerous and severe bodily injury, battery and poisoning (articles 223 a to 229 of the penal code), for the crimes and misdemeanours of deprivation of liberty,

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compulsion and threat (articles 239, 240, 241 of the penal code), for misdemeanours of material damage (article 303 to 305 of the penal code),

6. for violations of article 1, section 2 of the ordinance of the Reich President concerning the closing down of public utilities which supply the population with gas, water, electricity, dated 10 November 1920 (Reichsgesetzblatt, page 1865),

7. for violations of article 1 of the ordinance of the Reich President concerning the reestablishment of the public safety and order, dated 15 September 1923 (Reichsgesetzblatt, I page 879),

8. for violations of articles 25, 26 of the law concerning fire arms and munitions, dated 12 April 1928 (Reichsgesetzblatt I, page 143), and of the law against the misuse of arms, dated 28 March 1931 (Reichsgesetzblatt I, page 77)

9. for violations of articles 1,3,6 of chapter I of the eighth part of the fourth ordinance of the Reich President for the protection of economy and finances, and for the protection of the domestic peace, dated 8 December 1931 (Reichsgesetzblatt I, page 297),

10. for violations of articles 11 to 14 of the ordinance of the Reich President against political excesses, dated 14 June 1932 (Reichsgesetzblatt I, page 297),

11. for violations of article 2, section 1 of the ordinance of the Reich Minister of the Interior concerning meetings and parades, dated 28 June 19 (Reichsgesetzblatt I, page 339) and of article 2, section 1 of the second ordinance of the Reich Minister of the Interior concerning meetings and parades, dated 18 July 1932 in the wording of the decree of 22 July 1932 (Reichsgesetzblatt I, pages 355, 385).

Article 3.

The special courts are also competent when a crime or misdemeanour belonging to their jurisdiction also constitutes the facts of another punishable act. Should another punishable act be in actual connection with a crime or misdemeanour which belongs to the jurisdiction of the special courts, then the procedure for the other punishable act against the culprits and accessories can be brought by way of connection at the special courts.

H0684-0099

Von PAPEN Document 27

The special courts are not competent insofar the competency of the Reich Supreme Court (Reichsgericht) or of the superior "Land" court is established.
The competency of the special courts is only then established for a punishable act which can be prosecuted by way of civil action when the prosecution brings a public charge.

. . . .

Article 8.

A competency is also established with that special court in whose district the accused is apprehended or where he is in custody. The once established competency is not effected by the release of the accused.

. . . .

Article 10.

An oral hearing concerning the arrest order does not take place.
The decisions referring to imprisonment on remand, will be rendered by the president of the special court. The president of the special court is also competent for the decisions, for which the ordinary judge (Amtsrichter) is competent according to articles 125, 128 of the criminal procedure, without prejudice to the competency of the district judge (Amtsrichter). The special court will decide concerning appeals against the decisions of the president and of the district judge (Amtsrichter). The president of the special court can delegate an associate to represent him during the interrogation of the accused and for the decision concerning the issue of the arrest order. The same applies for the decisions to be made according to articles 116, 148 of the criminal procedure.

. . . .

Article 12

A preliminary investigation by the court does not take place.
Should a preliminary investigation be pending when this decree goes into effect, then the files are to be forwarded to the prosecution at the special court as soon as possible.

. . . .

H0684-0100

There are no legal means admissable against the decisions of the special courts. The criminal court will decide on request concerning the reopening of the case. The reopening of the case in favor of the convicted will also take place when facts or evidence have been obtained which let it appear necessary to review the case in ordinary proceedings. The regulation of article 363 of the criminal procedure remains uneffected. If the request for reopening of the case is justified, then the main trial is to be ordered before the competent regular court.

. . . .

Article 20.

This ordinance goes into effect on the day following its publication.

Berlin, 9 August 1932.

The Reich Chancellor

Von PAPEN

The Reich Minister of Jus

Dr. GUERTNER.

II. Remark:

The above ordinance of the Reich Cabinet (Reichsregierung) concerning the formation of special courts, dated 9 August 1932 was rescinded by the ordinance of the Reich Cabinet concerning the dissolution of the special courts, dated 19 December 1932. (Quoted in Von PAPEN Document 4, number 23).

III. The ordinance of the Reich Cabinet, concerning the formation of special courts, dated 21 March 1933 (Reichsgesetzblatt I, 136) - Document No. 2076 PS, contained in the British document book Franz Von PAPEN - coincides judicially with all important parts of the ordinance quoted above under I. Both ordinances were issued as ordinances of the Reich Cabinet pursuant to the sixth part ("Jurisprudence"), Chapter II of the energency ordinance of the Reich President of 6 October 1931 (Reichsgesetzblatt I, 537, 565); the latter is quoted in Von PAPEN Document 4, number 7.

The quoted chapter II states:

Excerpt from Reichsgesetzblatt 1931, part I, page 565:

Chapter II

Special Courts.

(1) The Reich Cabinet is authorized to establish special courts for the trial of certain punishable acts in districts where a special need for such action is given.

(2) The special courts are to be organized as courts of the "Laender". The Reich Cabinet will determine, with the consent of the "Laender" the districts and seats of the special courts.

(3) The Reich Cabinet is further authorized to use instructions concerning the composition of the special courts, their competency and the procedure.

(4) It can determine that the activity of the special courts ends generally or in definite districts, and in what manner the pending proceedings are to transferred to the regular jurisdiction.

IV. In previous cases of need as well, special courts (Exceptional courts) have been formed. Example: Excerpt from Reichsgesetzblatt 1921, pages 371 to 374:

<u>Ordinance of the Reich President concerning the formation of extraordinary courts, dated 29 March 1921.</u>

Pursuant to article 48 of the constitution of the German Reich and for the reestablishment of public safety and order, I order the following:

H0684-0101

H0684-0102

Article 1.

In districts, where pursuant to article 48 of the constitution of the German Reich, the re-establishment of public security and order has been or will be transferred to a government commissioner or to a military commander, extraordinary courts may be formed. The same applies for districts, in which the state of emergency has not been declared, but in which punishable acts of the type, enumerated in article 9 have been or are being committed, which are in connection with the revolutionary movement of March 1921.

The formation of the extraordinary courts will ensue by ordinance of the Reich Minister of Justice, who will also determine the official districts of the individual courts and their seat of office.

. . . . . .

Article 9.

The extraordinary courts are competent:

1. for the crimes and misdemeanours designated in part II, sections 1, 6, 7, 20, 27, of the penal code;

2. for crimes and misdemeanours against articles 211 to 215 of the penal code;

3. for crimes and misdemeanours against the law against the criminal and publicly dangerous use of explosives, dated 9 June 1884 (Reichsgesetzblatt page 61);

4. for crimes and misdemeanours against the law concerning the disarmamer of the population, dated 7 April 1920 (Reichsgesetzblatt page 1553), insofar as the crime has been committed or continued after 10 March 1921

Related crimes can be brought to trial together before the extraordinary court if the competency of the extraordinary court is justified in reference to one of the crimes.

Cases the prompt settlement of which is of no significance or cannot be carried out, are to be settled by the ordinary procedure. The prosecution and insofar as the procedure has been brought to trial before the extraordinary court,

this court may order relegation to a regular court. In this case, the files are to forwarded to the prosecution which is competent according to articles 7 ff of the criminal procedure. If an arrest order was issued in the extraordinary procedure, then the prosecution must bring about without delay a decision of the regular court concerning the continuation of arrest.

.....

Article 11.

Jurisdiction is also established for that extraordinary court in whose district the accused was apprehended or where he is under arrest, The court determines according to its own opinion the locality of the sessions, and is not bound in this matter to the extent of its jurisdiction.

.....

Article 17.

Appeal is not made against the arrest order issued by the district judge (Amtsrichter).

Appeal is permissible against the decision of the president of the extraordinary court concerning the issuance of an arrest order and the continuation of the arrest. The extraordinary court renders the final decision concerning the appeal.

Imprisonment on remand is carried out in the prisons of the "Laender".

.....

Articel 18.

A preliminary investigation by the court does not take place. The time limit of article 216 of the criminal procedure is established at 24 hours; it begins with the hour of notification of the period of the main proceedings. A decision by the extraordinary court concerning the opening of the main proceedings is not rendered. The president of the extraordinary court, if he has not misgivings, upon the request of the prosecution orders the main proceedings. Otherwise, a decision of the court is required. According to the estimation of the prosecution, one may disregard a written charge. If this happens, then

H0684-0103

H0684-0104

the representative of the prosecution must present in the main proceedings in the presence of the accused the facts charged to the latter. The court decides upon the extent of the acceptance of evidence according to free estimate.

Artile 19.

No lgal m ans are admissable against the decision of the extraordinary court.

The court, competent in the regular proceedings, decides concerning the requests for reopening of the proceedings. The reopening in, the favor of the accused will also take place then when the facts or the evidence have been procured which let it appear necessary to review the case in regular proceedings. The regulation of article 403 of the criminal trial code remains unaffected. Should the request for reopening be justified, then the main trial before the competent regular court is to be ordered.

.....

Article 20.

This ordinance goes into effect today. At the same time, the ordinance of the Reich President concerning the measures necessary for the reestablishment of public order and safety, pursuant to article 48, section 2 of the Reich Constitution, of 30 May 1920 (Reichsgesetzblatt page 1147) is rescinded. The punitive regulations of article 1 of the ordinance of 30 May 1920 remain authoritative for punishable acts committed until now. The proceedings still pending with the extraordinary courts, at the time of the rescission of this ordinance will still be settled by the latter.

Berlin, 29 March 1921

The Reich President

EBERT

The Reich Minister of Justice

Dr. HEINZE

H0684-0105

Von PAPEN Document 27

V: Excerpt from:

The Constitution of the German Reich

of 11 August 1919

A commentary for science and practice

by

Gerhard ANSCHUETZ

Third Revision

12th impression (34th and 35th thousand)

1930

Publishing House of George STILKE in Berlin.

page 419-426

Art. 103. The regular judicial authority is exercised by the Reich Supreme Court (Reichsgericht) and by the courts of the "Laender".

1. "Regular judicial authority" is, as above (preliminary remarks to this section), not of the same meaning as "jurisprudence" (Rechtspflege), but is synonymous "Justice" (Justiz). Regular judicial authority is the domain of the REGULAR COURTS, regulated in their institution and their procedure by the Reich Laws of Justice, especially by the GVG and the rules of court. Article 103 does not state anything concerning the contents and the limitations of this domain, it rather supposes that both have been provided for from another quarter. The pertinent provisions are partly Reich laws, partly "Land" laws, compare concerning the distribution of competency betwee the Reich and "Land" legislation and all details M-A page 768 ff.
At the head of it, laying the foundation is GVG article 13:

"All civil lawsuit and criminal cases for which neither the competency of administrative authorities nor of administrative courts is justified, or for which special courts have not been appointed or admitted by Reich law belong before the regular courts"

Nothing is changed in this provision by article 103. The possibility remains especially to limit the domain of the regular courts by

special courts ("extraordinary courts"), which have been appointed or admitted by "Reich Law" - i.e. by a simple law - . . . . .

2. . . . . Just as article 103 does not at all interfere with the establishment of special courts (s.o. No. 1) neither and especially not with the establishment of special courts for the"Reich itself". . . . . Article 105. Exceptional courts are inadmissible. No one may be withdrawn from his legal judge. The legal regulations concerning court martials and summary courts are not affected hereby. The military honor courts are dissolved.

1. The first three sentences of this article reproduce article 16 GVG without change, ...

3. The following can be said concerning the very much disputed concept of "exceptional court" (Ausnahmegericht):

a) it is different from that of the "special court" (GVG articles 13,14), or, as colloquial language says, that of the "Special Court" (Sondergericht) (Compare No. 1 to article 103). Special courts are permitted by article 103 (compare No. 1 above) as well as by article 105. .....

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H0684-0106

Filed June 17, 1946

(Page 99 of Orig.) von PAPEN Document 28

Two former laws on amnesty for political offences

I.: From Reichsgesetzblatt 1922, pp 595 - 596:

Amnesty Act for political offences, dated 21 July 1922.

The Reichstag has determined on the following act which is herewith published with the consent of the Reichsrat:

Paragraph 1

Amnesty is granted to those persons who, in the year 1920 after August 4th, and in the year 1921, cooperated either as perpetrators or participants in some treasonable undertaking against the Reich. This does not apply to offenses which were pursued in the year 1922.

Amnesty is moreover granted to persons who were sentenced by the extraordinary courts established in 1921 by order of the Reich Minister of Justice. for acts connected with a treasonable undertaking directed against the Reich, provided such acts were not actuated purely by brutality, personal profit or other non-political incentives.....

For the rest, the regulations of Paragraph 2,3 of the act of August 1920 (Reichsgesetzblatt, page 1487) are applicable according to the stipulation that outstanding money penalties and costs are also to be remitted and that upon motion of the sentenced person, records of sentences previously served, which would come under the amnesty, are to be stricken from the penal register.

.....

Berlin, 21 July 1922

The Reich President

EBERT

The Reich Minister of Justice

Dr. RADBRUCH

H0684-0107

(Page 100
of orig.)

Von PAPEN Document 28

II. From the Reichsgesetzblatt 1932 Part I, pp. 559-560.

Amnesty Act of 20 December 1932.

The Reichstag has passed the following act which is herewith published, after ascertaining, in order to dispel any doubts, that the conditions for legislation modifying the Constitution have been fulfilled.

First Section

Amnesty for punishable political offenses.

Par. 1

For punishable offenses committed from political motives or resulting from political and economical struggles, amnesty is granted according to Par. Par. 2 to 4.

Par. 2

Sentences which are in force at the time the present Act goes into effect and have not yet been served, are remitted if they consist either of fines or of detention up to five years or both.

Longer sentences of detention are first reduced by five years and the rest of the sentence is reduced by half. Jail is then substituted for penitentiary. In the change from penitentiary to jail there is no reduction in accordance with Par. 21 of the penal Code.

Par. 3

The remission of penalty (Par. 2, Section I) extends to subsidiary penalties and to security measures in so far as they have not yet been carried out, to indirect legal results, to overdue fines going into the Treasury of the Reich or "Laender" and to unpaid costs.
.....

Par. 4

Pending proceedings are suspended if the

H0684-0108

H0684-0109

act was committed Before' December 1932 and no penalty more severe than a fine or detention up to five years or both, is involved. New proceedings are not initiated.....

Berlin, 20 December 1932

The Reich president

von Hindenburg

The Reich minister of Justice

Dr. Guertner.

H0684-0110

Filed June 17

v. PAPEN Doc. 29

Excerpt
from
AMBASSADOR DODD'S DIARY
1933-1938
Edited by William E. DODD, Jr.and
Martha DODD
London, Victor Gollancz LTD 1941

Page 23-24

July 4. Tuesday.

..... He (Colonel HOUSE) said: "You should try to ameliorate Jewish sufferings. They are clearly wrong and even terrible; but the Jews should not be allowed to dominate economic or intellectual life in Berlin as they have done for a long time".

From: Schulthess!

European Historical Calendar

Published by Ulrich Thuerauf

New Series. Forty-ninth year

14th Volume of the whole Series

1933.

The C.H.Beck Publishing Co.

Munich 1934.

2 February (Reichsrat) Reich Chancellor Hitler delivers an address.

. . . . . We do not with to disregard what, in fact, many centuries of German history have contributed in the way of individual building stones for this Empire. On the contrary, we do not want by any means to fall into the mistake of regulating and centralising for the mere sake of regulating and centralising but wish rather to bear constantly in mind that that must be done uniformly which is absolutely necessary, in which event we should naturally welcome the assistance of the Laender. In this task, we should naturally like to be supported, not only morally but also materially, just as we are determined to do everything that can be done to preserve the vitality of these building stones of the German nation, the German Reich. I believe success will be achieved all the quicker and the easier, the more the Reich and Laender combine in the great acknowledgment of the pressing emergency of our time. Whatever can be accomplished by us and by me in this matter must and shall be accomplished. I am, myself, from the South. I am a citizen of a North German State, I feel that I am a German but I live in German history and would not like to overlook blindly the great historical states and accomplishments of this history but rather, on the contrary: I would like and I can promise you that - to respect everything that previous generations have themselves accomplished in the historical formation of our State and people, with the hope that some day future generations will perhaps likewise respect what we intend to accomplish ourselves.

Note: Further declaration of Adolf HITLER bearing on the question of Federalism have already been quoted in:

v.PAPEN, Doc.12, Page 1, third paragraph
" 4, next to the last
and " 4, last paragraph.

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Filed June 17, 1946

(Page 105
of orig.)

Von PAPEN Doc. 31

On the Coordination of the

"Laender with the Reich.

I. Excerpt from: Reichsgesetzblatt 1933

Part I
pages 153 - 154

Provisional Law for the coordination of the "Laender" with the Reich, dated 31 March 1933. (compare 2004 PS)

The Reich Cabinet (Reichsregierung) has resolved on the following law which is promulgated herewith:

Simplification of state legislation (Landesgesetzgebung).

Article 1.

(1) The state governments (Landesregierungen) are empowered to resolve on state laws except in the procedures provided for in the state constitutions. This also applies to laws which correspond to the laws designated in article 85, paragraph 2 and 87 of the Reich constitution.

(2) The state governments will establish regulations concerning the formulation and publication of the laws resolved on by the state governments.

Article 2.

(1) For the purpose of the new order of administration, including that of the communal administration, and for the new regulations of competencies the state laws resolved on by the state governments may deviate from the state constitutions.

(2) The institution of the legislative bodies as such is not permitted to be affected.

Article 3.

State treaties which refer to subjects of state legislation, do not require the consent of the bodies participating in legislation. The state governments will issue the regulations necessary for the execution of these treaties.

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Popular Representation of the "Laender".

Article 4.

(1) The polular representations of the Laender (State diets "Landtage", citizens' assemblies "Buergerschaften") are herewith dissolved with the exception of the Prussian "Landtag" elected on 5 March 1933, insofar as this has not taken place yet according to state law.

(2) They will be newly constituted according to the number of votes which were given within each "Land" to each electoral list at the election for the German Reichstag on 5 March 1933. In this connection, the seats given to the electoral lists of the Communist party, will not be allocated. The same applies to electoral lists of groups of electors which are to be considered substitutes for electoral lists of the Communist party.

.....

Article 8.

The new Landtag ("Buergerschaften") are regarded elected for a tenure of four years from 5 March 1933. A premature dissolution is prohibited, This also applies to the Prussian "Landtag" which was elected on 5 March 1933.

.....

Communal Self-Administrative Bodies.

Article 12.

(1) The communal self-administrative bodies (County diets "Kreistage", District Diets "Bezirkstage", District Councils "Bezirksraete", "Amtsversammlungen", City Councils "Stadtraete", City Representative Bodies "Stadtverordneten-versammlungen", Communal Councils "Gemeinderaete" etc.) on which the principles according to article 17, paragraph 17, paragraph 2 of the Reich constitution apply, are dissolved herewith.

(2) They are to be newly constituted according to the number of valid votes which have been cast during the election for the German Reichstag on 5 March 1933 within the district of an electoral body. In this connection, those votes are not considered which

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have been allotted to the electoral lists of the Communist party or to those which are to be considered substitutes for the electoral lists of the Communist party.

. . . .

Article 15.

The new communal self-administrative bodies are elected for a tenure of four years from 5 March 1933.

. . . .

General Provisions.

Article 18.

The Reich Minister of the Interior is empowered to issue regulations to supplement and execute this law. In addition, the Reich Minister of the Interior is charged with the execution of the law as far as affairs of the Reich are concerned, in the case of affairs of the "Laender" it is charged to the state governments. The Reich Minister of the Interior can issue general instructions, and can authorize exceptions to the law on request of the state governments.

Article 19.

The regulations of articles 1 to 3 and article 18 are also applicable to such governments in the "Laender" which consist of commissioners or deputies (Beauftragten) of the Reich.

Berlin, 31 March 1933

The Reich Chancellor

Adolf HITLER

The Reich Minister of the Interior

FRICK

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II. Excerpt from: Reichsgesetzblatt 1933, Part I, page 173.
Second Law concerning the coordination of the "Laender"
with the Reich, dated 7 April 1933.

The Reich Cabinet (Reichsregierung) has resolved on the following law which is promulgated herewith:

Article 1.

(1) In the German "Laender" with the exception of Prussia, the Reich President on the recommendation of the Reich Chancellor, will appoint Reich Governors (Reichsstatthalter). It is the task of the Reich Governor to assure the observance of the principles of policy established by the Reich Chancellor. The following powers of "Land" authority belong to him:

1. Appointment and dismissal of the head of the "Land" government, and, upon the latter's recommendation, of the other members of the "Land" government.
2. Dissolution of the "Land" legislature, and ordering of new elections subject to the rules of article 8 of the provisional coordination law of 31 March 1933 (Reichsgesetzblatt I, page 153);
3. Preparation and publication of "Land" laws including laws which are resolved on by the "Land" government according to article 1 of the provisional coordination law of 31 March 1933 (Reichsgesetzblatt I page 153). Article 70 of the Reich constitution of 11 August 1919 applies accordingly.
4. On the recommendation of the "Land" government, the appointment and dismissal of the higher state officials and judges insofar this had previously been accomplished by the highest "Land" authorities.
5. The power of pardon.

(2) The Reich governor can take over the chairmanship at the sessions of the "Land" government.

(3) Article 63 of the Reich constitution of 11 August 1919 remains unaffected.

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Article 2.

(1) The Reich governor may not simultaneously be a member of a "Land" government. He shall belong to the "Land" whose sovereign powers he exercises. His official residence is at the seat of the "Land" government.

.....

Article 3.

(1) The Reich governor is appointed for the duration of a "Land" legislative period. He can be recalled at any time by the Reich president on the recommendation of the Reich Chancellor.

.....

Article 5.

(1) In Prussia, the Reich Chancellor exercises the powers mentioned in article 1. He can delegate the powers, mentioned in article 1, paragraph 1 under numbers 4 and 5, to the "Land" government.

.....

Berlin, 7 April 1933

The Reich Chancellor

ADOLF HITLER

The Reich Minister of the Interior

FRICK.

III. Excerpt from: Reichsgesetzblatt 1935, part I
pages 65 - 66 (compare 2007 PS)

Law, concerning Reich Governors, dated 30 January 1935.

The Reich Cabinet (Reichsregierung) has resolved on the following law which is promulgated herewith:

Article 1

(1) The Reich governor is in his official district the permanent representative of the Reich Cabinet (Reichsregierung)
(2) It is his task to see to observance of the principles of policy established by the Fuehrer and Reich Chancellor.

Article 11

The second law for the coordination of the "Laender" with the Reich dated 7 April 1933 (Reichsgesetzblatt I, page 173) in the wording of the law of 25 April 1933 (Reichsgesetzblatt I, page 225), of 26 May 1933 (Reichsgesetzblatt I, page 293) and of 14 October 1933 (Reichsgesetzblatt I, page 736) is rescinded.

.....

Berlin, 30 January 1935

The Fuehrer and Reich Chancellor

ADOLF HITLER

The Reich Minister of the Interior

FRICK

The Reich Minister of Justice

Dr. GUERTNER

IV. Excerpt from: PFUNDTNER = NEUBERT:

"The new German Reich law"

(Das neue Deutsche Reichsrecht)

Section I a 3 page 9 (new)

Reich Governor (Reichstatthalter) law of 30 January 1935 (Reichsgesetzblatt I page 65).

Introduction

I.....

II. The institution of the Reich governors was based on the "Second Law for the Coordination of the Laender with the Reich" dated 7 April 1933 (Reichsgesetzblatt I page 173) .....

According to this law, which has now been rescinded, the Reich Governor was not allowed to be simultaneously a member of the "Land" government. He was appointed for the duration of a "Land" legislative period, and could be recalled at any time by the Reich president on the recommendation of the Reich chancellor. In Prussia, the Reich Chancellor exercised the above mentioned powers of the Reich governors which he could partly delegate to the "Land" government.

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H0684-0118

In case of the authorities delegated to the Reich governors according to the old "Reich governor law", powers of "Land" authority are concerned; however in the exercising of this "Land" authority, the Reich governors who themselves were Reich authorities, were active in the name and by order of the Reich without being subordinated to the directives of a central agency of the Reich.

III. .....

Entered June 18

(Page 112 of orig.)

v. PAPEN Doc. 32.

Austrian Year Book.

1933/1934

Published from official sources by the Federal Press Service 15the Series. Vienna 1935, Mann's Publishing & University Book Co.

The League for Freedom

League leader: President of the Johann Stand Trade Union; Military commander: Generalmajor Weinmayer, Ret.

The beginnings of the League for Freedom also date back to the days of the revolution in 1918 when Christian workers and employees set up in the plants defense cells against the Red surge. The first groups in the Christian trade unions and in the Christian workers's unions enjoyed their support. The bloody events of 15 July 1927 then led to the establishment of the Freedom League and institutionof formations for self-defense, first in Vienna and then too in the "Laender". In 1929, the League for Freedom was organized into "Land" groups with independant "Land" leaderships which were subordinate to federal leadership in Vienna. Since 1933, the Postal and Telegraphic Defense Corps and the Railway worker's Defense Corps habe joined the League for Freedom as independant formations. In the beginning of 1934 the late Federal Chancellor DOLLFUSS, took over the supreme leadership of the League for Freedom, In the days of struggle of that year, the League for Freedom fulfiled its duty to the Fatherland in an outstanding manner.

H0684-0119

Filed June 17

(Page 113 of orig.)

v. PAPEN Doc. 33.

On the Jewish Problem.

I. From: Schulthess'
Calendar of European History.

Published by Ulrich THUERAUF.
New Series. Forty-ninth Year
74th Volume of the complete series
1933
The C.H. Beck Book Publishing Co.
Munich 1934.

10 March. Reich Chancellor HITLER's appeal:

..... Unscrupulous individuals, mostly communistic stool-pigeons are trying to compromise the Party by individual acts which have no connection whatever with the great task of national restoration and can at most discredit and debase the activities of our movement. Attempts are made in particular, by annoying foreigners in cars flying foreign colours to put the party, and therefore, Germany in conflict with foreign countries. SA and SS men! You must immediately lay hold of such creatures yourselves and make them answer for their acts. You must further, and without delay, hand them over to the police, irrespective of who they might be.....

The annoying of individuals, the obstruction of automobiles or the disturbance of business life must absolutely be discontinued.

II. From: Documents of German Politics
Vol. I. 1945, Junker and Duannhaupt, Publishers, Berlin.

Page 17. HITLER's broadcast on the Flag Decree, 12 March 1933.

Page 18... With this day, on which the whole executive power has now also been placed symbolically in the hands of national Germany, the second part of our struggle begins. From now on, the struggle for cleaning up the Reich and putting it in order shall be carried out systematically and guided above. I therefore enjoin on you from now on, the strictest and blindest discipline! Any individual action must from now on be discontinued....

Whoever, from now on, attempts by individual action to bring disturbances into our administrative or business life, acts willingly against the national government.

III. From: Schulthess'
(as above in I.)

29 March. Decision of the Reich Cabinet.

Reich Chancellor HITLER points out at the outset of the Cabinet meeting

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the Brunswick ineidents are entirely cleared up and settled by mutual understanding. With regord to the defense measures against Jewish atrocity-propaganda abroad, he declored that such defense had to be organized because otherwise it would have originated from the people themselves and would easily have taken on undesirable forms. In any case, steps would be taken to prevent personal annoyances or acts of violence.

IV. From: Schulthess'
(as above in I)

25.March. Foreign Minister Baron von Neurath addresses a telegram to Cardinal O'Connel in Boston, the head of the Catholic clergy of the U.S.A., in which he says among other things: According to press reports, representatives of the Catholic clergy are to take part in the protest mass meetings to be held on Monday evening in Madison Square Gardens, New York and elsewhere against the alleged pogroms against German Jews. I take the liberty of assuring your Excellency that such assertions are entirely unfounded.....

Reports to the contrary which were spread in America, including the fantastic rumor about an allegedly premeditated Bartholemew night on the 4 th of March, obviously originate in circles interested in poisoning friendly relations between Germany and the United States and in debasing Germany's new national government in public opinion.

V. From: Schulthess'
(as above in I)

12 May.(Prussia). Concerning the number of lawyers definitely admitted to the bar, the Minister of Justice announces: In Prussia, altogether 11814 lawyers were admitted, of whom 8299 are Aryans and 3515, Jews. Of these Jews, 735 were ex-service men and 1383 senior lawyers. Exclusion from office has been decreed against 923 Jews and 118 Communists. Future admissions include 2158 Jews.

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of orig.)

Von PAPEN Document 35

Excerpt

from the

Voelkischer Beobachter

Bavarian Edition
232nd Edition 45th year.
Munich, Friday 19 August 1932.

What the "Praesidialkabinett" signifies for international Jewry:

"THE PAPEN GOVERNMENT INSCRIBED THE PROTECTION OF JEWS ON ITS BANNER!"

A significant declaration of the Berlin Zionist Leader and Center candidate KARESKI at the Jewish World Congress.

Threats against the NSDAP and praise of PAPEN at the Jewish World Congress.

Geneva, 17 August.

(Telegraphic report from our Geneva Representative.)

..... Herr KARESKI of Berlin appointed Mr. KARESKI of Berlin, as representative of the Jewish Volkspartei (people's party) the chief spokesman of the German Jews. As is well-known, KARESKI is a leading synagogue president and a Center candidate for the Reichstag. With the conceit typical of his race, he stated that Germany was now the burning center world interest owing to the Jewish problem. Fortunately, he said, the constitution of the German Republic still protects the legal position of the Jews and the PAPEN Government "has inscribed the protection of the Jews on its banner."

H0684-0122

H0684-0123

5 June 1946

We, John B. ROBINSON, Civ., X 046350 and Wanda S. TIESZEN, Civ, X 046265, hereby certify that wee are thoroughly conversant with the English and German languages; and that the above is a true and correct translation of the original document.

John B. ROBINSON
Civ. X 046350

Wanda S. TIESZEN
Civ. X 046265